

CITY COUNCIL MINUTES

September 9, 2013

The Honorable Council of the City of Evansville met on regular session at 5:30 p.m. on Monday, September 9, 2013 in the City Council Chambers, Room 301 Civic Center Complex, Evansville, Indiana, with President Connie Robinson presiding. The following business was conducted.

These minutes are not intended to be a verbatim transcript. Audiotapes of this meeting are on file in the City Clerk's Office.

ROLL CALL:

Present: M^cGinn, Mosby, Brinkerhoff-Riley, Friend, Lindsey, Adams, O'Daniel, Weaver, Robinson

There being nine (9) members present and zero (0) members absent and nine (9) members representing a quorum, I hereby declare this session of the Common Council officially open.

PLEDGE OF ALLEGIANCE

This evening the pledge of allegiance is led by Councilman Dan M^cGinn.

Fellow Councilmen and those in the audience, welcome to the September 9, 2013 meeting of the Common Council.

RECOGNITION OF SCHOOLS

TEEN ADVISORY COMMITTEE

Josh Pierre – Mater Dei

Megan Pritchett – Mater Dei

COUNCIL ATTORNEY

This evening Scott Danks is City Council Attorney.

SERGEANT AT ARMS

This evening Officer Betz is Sergeant at Arms.

City Clerk Windhorst: Before we begin our meeting tonight, we have a statement from Mayor Winnecke.

Mayor Lloyd Winnecke: Thank you and good evening. Actually, I thought I could drop by real quickly. As most of you know, I spend a fair amount of time extending my thanks to City employees for their service and it occurs to me I have not offered that accolade to you as much as I probably should have, so I know we don't always see things through the exact same lens, but whether we disagree or agree please know that I do appreciate your service to the city. I'm grateful for the leadership of Council President Robinson and all the members who spent a lot of time, especially in the last couple of weeks pouring over all the questions that have been brought forth relating to the Convention Hotel Project. I know we're not voting on the bond resolution tonight, but I believe at some point you'll consider contemplating an engagement with a third party provider. Please know that our administration will work diligently through that provider and through the developer to provide you all the information that you need to make an informed decision. So again, just a quick stop-by to offer my thanks, and I appreciate what you do.

President Robinson: Thank you, Mayor. *(Applause)*

REPORTS AND COMMUNICATIONS
IN YOUR SEPTEMBER 6TH PACKET:

- *City Council Meeting Agenda for September 9, 2013
- *Committee Meeting Schedule
- *Ordinances F-2013-15, F-2013-16 and G-2013-16
- *Rezoning Ordinances R-2013-17, R-2013-18, R-2013-19
- *Staff Field Reports from Area Plan dated August 12, 2013
- *Amended Use and Development for R-2013-12
- *Financing Agreement and Trust Indenture for G-2013-14
- *Vacation Studies and Return Receipts for G-2013-15
- *Financial Report July 2013

EMAILED MATERIAL:

- *E-mail from Jenny Collins, Water Department concerning the Response to Questions from the 2014 Budget Hearings
- *E-mail from Carolyn Rusk, Evansville Brownfields Corporation, withdrawing Ordinance R-2013-16

ON YOUR DESK THIS EVENING:

- *Resolution C-2013-20
- *Evansville Redevelopment Commission Meeting Minutes dated August 20, 2013
- *Updated Committee Meeting Schedule

President Robinson: Is there a motion to receive, file and make these reports and communications a part of the minutes of the meeting?

Councilwoman Mosby moved and Councilman Friend seconded the motion to receive, file and make these reports and communications a part of the minutes of the meeting. Voice vote. So ordered.

CONSENT AGENDA

FIRST READING OF ORDINANCES OR RESOLUTIONS

<u>ORDINANCE G-2013-16</u>	<u>FINANCE</u>	<u>FRIEND</u>
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An ordinance fixing the salaries of every appointive officer, employee, deputy, assistant, departmental and institutional head of the City of Evansville and the Evansville-Vanderburgh County Levee Authority for the year 2014 and establishing salary administration procedures

<u>ORDINANCE F-2013-15</u>	<u>FINANCE</u>	<u>FRIEND</u>
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An Ordinance of the Common Council of the City of Evansville, Indiana fixing the salaries of elected officials for the City of Evansville, Indiana for the year 2014

<u>ORDINANCE F-2013-16</u>	<u>FINANCE</u>	<u>FRIEND</u>
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An Ordinance of the Common Council of the City of Evansville authorizing transfers of appropriations, additional appropriations and repeal and re-appropriation of funds for various city funds

ORDINANCE R-2013-17**TO APC****R-1 and C-1 to R-5**

An Ordinance to Rezone Certain Real Estate in the City of Evansville, State of Indiana, more commonly known as behind 4020 Stringtown Road

Petitioner: Marty Amsler, President, Woodland Condominium Association
Owners: Same
Representative: Andy Easley Engineering, Inc.
District: John Friend, Ward 5

ORDINANCE R-2013-18**TO APC****R-4 TO C-4 with U&D Comm.**

An Ordinance to Rezone Certain Real Estate in the City of Evansville, State of Indiana, more commonly known as 1050 Bayard Park Drive

Petitioner: Natcher Corporation
Owners: South Central Bank of Daviess County
Representative: Robert Crow, V.P. Natcher Corp.
District: Constance Robinson, Ward 4

ORDINANCE R-2013-19**TO APC****R-2 TO M-3 w/U & D Comm.**

An Ordinance to Rezone Certain Real Estate in the City of Evansville, State of Indiana, more commonly known as 2100 S. Tekoppel Rd.

Petitioner: D M S F, LLC
Owners: Jon David, Manager
Representative: Krista B. Lockyear
District: Al Lindsey, Ward

President Robinson: Is there a motion to adopt the Consent Agenda as written?

Councilwoman Brinkerhoff-Riley moved and Councilwoman Mosby seconded the motion to adopt the Consent Agenda as written. Voice vote. So ordered.

CONSENT AGENDA**SECOND READING OF ZONING ORDINANCES****Request to withdraw Ordinance R-2013-16 Petitioner, Evansville Brownfields Corp.**

Councilwoman Mosby moved and Councilman Friend seconded the motion to withdraw Ordinance R-2013-16. Voice vote. So ordered.

ORDINANCE R-2013-12 as Amended**FROM APC****R-1 TO C-4 w/U&D Comm.**

An Ordinance to Rezone Certain Real Estate in the City of Evansville, State of Indiana, more commonly known as 2913, 2915 Covert Ave. and 1617 McConnell Ave.

Petitioner: INCARRICO, LLC
Owners: Steven Carrico
Representative: Same
District: Councilwoman Mosby, Ward 2

This petition comes forward with a recommendation for approval from the Area Plan Commission, having 8 affirmative votes and 1 negative vote.

ORDINANCE R-2013-13**FROM APC****C-4 TO R-1**

An Ordinance to Rezone Certain Real Estate in the City of Evansville, State of Indiana, more commonly known as 3001, 3009, and 3011 Kratzville Road

Petitioner: Kurt A. Koenig (3001)
Alicia L. Miller (3009)
JR & R Enterprises, LLC (3011)
Owners: Same
Representative: Same
District: John Friend, Ward 5

This petition comes forward with a recommendation for approval from the Area Plan Commission, having 9 affirmative votes.

ORDINANCE R-2013-14**TO APC****UD TO C-4 w/ U&D**

An Ordinance to Rezone Certain Real Estate in the City of Evansville, State of Indiana, more commonly known as 2536 Waterbridge Way

Petitioner: Donald & Michelle Pritzkau
Owners: Christian Education Enterprises, Inc. and Lynnville National Bank
Representative: Same
District: Stephanie Brinkerhoff-Riley, Ward 3

This petition comes forward with a recommendation for approval from the Area Plan Commission, having 8 affirmative votes and 1 negative vote.

Councilman O'Daniel moved and Councilman McGinn seconded the motion to adopt the Consent Agenda Second Reading of Zoning Ordinances and to accept the Area Plan Commission Report. Voice vote. So ordered.

Council now stands at Third Reading of Zoning Ordinances, which is final action.

REGULAR AGENDA**THIRD READING OF ZONING ORDINANCES****ORDINANCE R-2013-12 as Amended FROM APC R-1 TO C-4 w/U&D Comm.**

An Ordinance to Rezone Certain Real Estate in the City of Evansville, State of Indiana, more commonly known as 2913, 2915 Covert Ave. and 1617 McConnell Ave.

Petitioner: INCARRICO, LLC

President Robinson: Please come forward and state your name and address.

Steven Carrico: My name is Steven Carrico. My address is 10929 Page St. Louis, Missouri, 63132

President Robinson: Okay. Could you give us some information on your rezoning?

Steven Carrico: What we're looking at doing is redeveloping the corner of Covert and McConnell Avenue. Our shopping center is expected to be roughly 14,200 square feet to take up that entire corner. We're looking at, and this is an older drawing, this is the new one here, an entrance off of Covert Avenue as well as one off of McConnell. We have talked with local, and there's an updated drawing that I don't have to you guys, but local city codes allow for up to a 40

foot entrance on commercial property off of a street, and again, those will be kind of revised to reflect the larger opening. I know some of the things that you guys had wanted us to address was semi access on McConnell. According to EUTS semi access is not restricted on McConnell. Again, we will be using roughly the first eighty feet or so to the entrance and then the additional space behind that would be roughly sixty feet for the semi to back. Our weekly average through the summer is roughly one, sometimes zero to one. In the winter, two semis per week at the most. This is the months of October and then November, typically December, some of our higher selling months. We also looked at sidewalks. We have a proposition out to our local architect because of some of the issues that we've ran into. We've postponed spending additional funds on site work development, sidewalks, concrete, all that kind of stuff until we've got the approval, but we do want to get sidewalks in there for residents and people to use so that we don't have the issues of people in the streets, possibly in the streets, at times of business. Another item that was brought to our attention is church hours, and I think we talked a little bit about that. Our hours of operation for the two uses that we have in the two larger spaces on Rent One Storage take up the Rent One and the Rent to Own majority are separate from the church hours, so we don't physically do business within the location at any point when a service or people would be more apt to be at the neighboring facility. We've also discussed possible expansion. Kim Rocca owns 2811 Covert, which is another street, another building next to it and if we have that, we would go through the same zoning, but it would be expanded again pursuant to Evansville local codes. 2811 would be the house. If you see the Hawthorne Avenue, there's a plumbing supply right there and the vacant house next door. So that house is basically a tear-down, as well as the house on the corner at 2915 Covert I believe.

Councilman O'Daniel: And the property the church owns is that parking lot just on the other side of that house?

Steven Carrico: And we're looking at putting together a proposal based on what we are currently investing in land as well as some comparable sales to get to the church as well as to Kim for acquisition of purchase of those properties. Again, maintaining a reasonable cost and expectation not to exceed what we've kind of currently spent but then to provide some incentive to them as well. So our ideal would be to renovate that into a first-class shopping center appeal. That would be roughly 5,000 square feet of inline space that would be leasable to your maybe Security Finance, Papa Johns, whoever it is.

President Robinson: Are there any questions? Councilwoman Mosby, this is your district.

Councilwoman Mosby: Yes, thank you. We've been speaking back and forth. I appreciate all that you've done and actually working with us on that use and development as well. I also would like to let council members know that I've spoken to the Southeast Neighborhood Association and they are in favor of this development. They think it's a good fit for the neighborhood. You have also reached out to the neighborhood president and offered to do some things to help the areas as far as the lighting and sidewalks and things like that, so we really think it's a good fit for the neighborhood. We're excited to have development there and also bring some more property taxes to that area.

President Robinson: Thank you. Are there any questions from any other council members?

Steven Carrico: Yeah, and Tom Littlepage was to send out a letter, which I don't know if you guys received, but he spoke at the local neighborhood association and the people that live there

and was in favor of it as well as updating, like Missy said, some of the lighting and hopefully brightening up the area a little bit.

President Robinson: Okay, thank you. If you stay take a seat, but I have some that want to speak, I guess remonstrators, I think. Mr. Purdue or Mrs. Purdue. Your name and address sir.

Gene Purdue: My name is Gene Purdue. My address is 17213 Willis Drive in Noblesville, Indiana. I was born in Evansville. The Purdue family has owned 2909 Covert since 1942. I was in front of this council three years ago, zoning, rezoning 2813 and 2909 to C-4 which sailed through with no dissenting votes, and the only question anybody asked me was will you make sure that you don't sell it to flesh peddlers or liquor outlets. And as you see what's going on that promise was kept. The only complaint that I know of that anybody has is that it is going commercial, all the way, which if you'll look at Covert Avenue, it's practically commercial from Vann Avenue all the way to Boeke Road on both side. It's a given. They said at the time when I was speaking that once a McDonalds moves in, that usually means it's going commercial, and it has. There's a plumbing shop now that's down on Hawthorne and Covert and the little brick building that somebody was asking about is already zoned C-1. So you may not see that. I don't know how far C-1 gets you, but they used to have a children's care center there and the bank took it over. And the guy that owns the plumbing shop owns that and has a bulldozer in the back and he's all ready to tear it down so it's going to happen pretty quickly. So this area is being well developed and I'm very happy and proud, and I am not voting against it, I'm voting for it.

President Robinson: I understand that. Sorry about that.

Gene Purdue: That's alright, honey. Thank you.

President Robinson: I think there is another Purdue. Is there someone else that wanted to speak?
Okay.

Beverly Purdue: My name is Beverly Purdue and I live at 17213 Willis Drive in Noblesville, Indiana. My husband and I currently own this property. We have been trying to sell this property for years to no avail. That was when the houses were on it. We rented them out and the people who rented it were not desirables so we had to get them evicted. So finally, we came to the decision to just raze the houses, empty the lots, take care of just the lots and it would sell faster that way. And certainly I feel very strongly that this is a very good fit for Covert Avenue. In coming in this evening, we looked at the rental furniture and the Auto Zones, and the barber shops, and the McDonalds, and so and so forth. I understand there are church members here and they are concerned about the McConnell traffic, but with two semis a week, I don't think that's going to be a real, real concern. Hopefully, this will go through this evening and as I said, I think it will be a good fit for Covert, I think it will be a good fit for Evansville. We grew up here and we've seen it changed over the years, not always for the better, but I think this is one time when it's going to be a really good asset to the neighborhood. Thank you.

President Robinson: Is there anyone else that would like to speak for or against this zoning? You can come to the podium please and state your name and address.

Connie Whitman: I'll go ahead. I wasn't planning on speaking first. These are my church members here. I'm Connie Whitman. I live on the southeast side a few blocks from this

proposed complex, and I don't know a whole lot about it because I have my own problems, you know, with the DMD and the Treasurer and everything as you all have heard about. But anyway, I do go to Covert Avenue Baptist Church and I don't really see any pictures up there or any discussion of that. McConnell is a very narrow street. We have children, starter homes, families, all around there. It's very residential. I feel for the people trying to sell their property. I get that. But there are so many other things you could do with the property. If somebody wants to maybe for all the homeless veterans or something instead of...I'm going to fuss again about 8 million spent on tearing down Roberts Stadium and building a park. Why don't we spend that money on veterans or a new library on the southeast side or something? Those are beautiful grassy lots and it's going to become a noisy, busy, another industrial strip mall with semis coming in and out and I've heard various things about what kind of businesses are going to be there, but it's too close to a church in my opinion. That's a residential area, very residential right behind it, and I just think that since there's empty strip malls at Ross Center is nearly empty, seven blocks away, the one at Vann and Covert is nearly empty across from the old Buehler's Buy Low. I don't understand why the stores couldn't use those. I know Evansville likes to tear things down. I'm sure the Mayor's going to think I'm negative and pessimistic for saying that, but there is too much tearing down. If you made it a park or something, or a library, you could use those houses as an office and build shelters and rent them to...the city could buy it. Why can't the city buy it and do something good with it. Thank you for your consideration.

President Robinson: Thank you. Is there anyone else?

Mike Critchfield: Hi. I'm Mike Critchfield and own property at 1610 Hawthorne. That's in my backyard and along the side also that we're talking about. I have some pictures. Can I deliver these, show these.

President Robinson: Yes, please.

Mike Critchfield: Away from microphone....The clients have two dumpsters right beside my fence in my backyard. Plus, we have a terrible water problem in the neighborhood and since the plumber moved in, he built up his property and his two gutters are right beside my house and all the water runs underneath my house and I pump it out the other side. And it just sits there until it sinks down into the ground. And with all the asphalt that's going to be down there, where is all that water going to go. They're not going to take it to the street. They're going to take it in my yard. With all the traffic and all the dumpster stuff and everything, I object to it. I just totally object.

Missy Mosby: Excuse me, what is your address, because this is the first time hearing of any drainage issue at your house.

Mike Critchfield: 1610 Hawthorne.

Councilwoman Mosby: 1610 Hawthorne?

Mike Critchfield: That's the property right there on the map.

Councilwoman Mosby: Yes, I'm familiar with it. This is kind of I live on Pollack so I walk this area all the time with my dogs and drive this area all the time so it's kind of right in my backyard as well.

Mike Critchfield: And as far as the truck traffic, they're probably not just going to go in McConnell. They're probably going to circle around and come out Hawthorne Street also, and we've got kids going up and down there like crazy to the Book Broker, because they all go for games and stuff. There's all kinds of kids on both streets that go to the games, that go get the games and stuff. So that's my problem, but where they gonna take the water to? Where they gonna take the water and the rain? Are they going to put vents, I mean downspouts in the front and take it to the street? Or are they going to take it to the back? If they take it to the back, that's going into my yard.

Councilwoman Mosby: That's something that we'll ask for them to address when they go in front of the drainage board. They have not yet done that.

Mike Critchfield: Every time it rains right now, I get 6 to 8 inches beside my garage.

Councilwoman Mosby: I do apologize. I've never seen you at one of the neighborhood meetings so I wasn't aware that was going on.

Mike Critchfield: But that's, that's just about what it is and the trash sets out there for a long time before it ever gets moved. The trash comes like once a week. So, that's my problem.

President Robinson: So you have a drainage problem and then you're concerned about the trash only being emptied once a week?

Mike Critchfield: Yes Ma'am, and we had beautiful shade 20 years ago when I first moved in there, and my wife had a hosta garden right there on the corner, and after they cut down all the 50 and 100 year old trees there, they just burned up. So, there's no shade there anymore either. They cut down all the trees on all the lots, probably 15 trees. So it just kind of ruined the neighborhood, I thought, my opinion.

President Robinson: Are there any questions from any council members?

Stephanie Brinkerhoff-Riley: I have one. I was curious and maybe I missed it, I'm sorry sir, what is your name? Is it Carrico? Who is the engineer, who's doing your plans?

Steve Carrico: We're working with Niekirk Engineering.

Councilwoman Brinkerhoff-Riley: Is that here in town?

Steve Carrico: Yes.

Councilwoman Brinkerhoff-Riley: Okay, have you guys....could you pull up to the microphone please, I'm sorry.

I'm assuming, obviously you can hear what the resident is talking about in terms of drainages. As you've worked on your plans for the site, have you...what are your thoughts....have you been thinking about how you're going to deal with the water. I mean, I'm assuming it's addressable, but I just was curious as to who you were using and if you were aware of a water problem.

Steve Carrico: Yes, Donovan and Donovan Engineering as well as Niekirk Engineering, which is out of Evansville here, they'll be working together on the Civil and Site Plans. We have not...that was one of the plans that I said we were looking at developing. We would have probably had them developed had we not had some of the pushback that we had, but what we'll do is there is a certain amount of green space that you need between the lots as well as a certain amount of drainage areas, you know, roughly, they call them islands, and we'll make sure that all the drainage and the islands are addressed. What we have as far as a preliminary does kind of account for ... it's a ratio of parking lot to island size and that kind of thing, as well as there are some alternative measures that we can take if we don't feel we meet those needs or if the city engineer doesn't feel that we meet those needs for underground retention as well.

Councilwoman Brinkerhoff-Riley: Well it sounds like you're addressing them and obviously there are a lot of green ways to absorb water in the Second Ward, I mean there's just a lot of concern about the storm water getting into the system and any way you can divert it through the green space like the green parking lot that we did behind the Civic Center, because I was just curious because this area has suffered a lot in the past with water issues and it sounds like you're in front of that though.

Steven Carrico: We understand the need for retention on site and that was definitely a concern as well as something we'll address. As far as the existing drainage issues I'm not sure that our lot will fix those, but at least the water that comes off of our lot will be accounted for within that space per codes and civil engineering drawings.

Councilwoman Brinkerhoff-Riley: Oh yeah, no I understand. It's not your job to *(Inaudible)* water that's hitting your site, but what I heard you say was retention. Are you thinking there's actually going to be a retention pond on this site?

Steven Carrico: No. Well, there's a few different ways they classify retention. One is green space islands. So when you put in an island in the corner of two parking areas or you build in something between a row of parking or however that process goes, those are classified basically as retention area and then as well they have sub-site retention so you can manage your water through a network of connecting pipes and different things as well. It's a little more expensive process but again, if we have to go that route because we don't have the retention that is required, then

Councilwoman Brinkerhoff-Riley: I don't know what route you'll have to go, but it sounds like you're more than willing to work with your neighbor, and if he can maybe get a card from you and maybe have the opportunity when you do have your plan to see how your drainage plan is going to affect his property and then what he would have to do to address that. The only thing that I would ask is just that he be in the loop since his property is on the back. And it doesn't sound like the existing drainage issues are your fault. It sounds like it happened and how they've managed the property up to this point and so you're probably you're going to be a great solution, and probably you guys are going to get along fine and he's going to help you out. I just want to make sure he's got access to you if he needs it.

Steven Carrico: We're going to hope so, and as far as the dumpsters, they're all going to be encapsulated and either a CMU or a fence area.

Mike Critchfield: Right, but rats get into those things anyway. When you have pictures like this where the stuff sits out there for a week or so before the dumpster picks them up, then that's going to sit there for a week with mattresses and stuff sittin on the outside.

Steven Carrico: Well, we have a separate mattress service that picks up mattresses as well as...

Mike Critchfield: Every day?

Steven Carrico: Oh, when they're called. I can't vouch for the timeframes.

Mike Critchfield: And then I have some plans right here that show two trash dumpsters right in my backyard.

Steven Carrico: And those are CMU enclosures for the trash dumpsters. So there's an actual enclosure that the dumpsters go into that they're not visible with a gate.

Mike Critchfield: Well, the only thing I can say is, if you build the property up with asphalt, water has to go somewhere, and if it doesn't go to the street, it's going in my yard.

Councilwoman Mosby: And sir, I will address your present issue. I'm sorry. This is the first I've heard of it, but we will address that and look into that. And we will work with Mr. Carrico.

Mike Critchfield: I saw on TV where you said a couple of restaurants and a Rent One. Is there restaurants?

Councilwoman Mosby: I just said they're looking at some other opportunities and possibly some restaurants or something like that.

Mike Critchfield: That's what I thought.

Councilwoman Mosby: Possibly, yes.

Mike Critchfield: Okay. That would be more trash too.

Councilwoman Mosby: We'll make sure that's addressed. I walk that area every single day.

President Robinson: Can you get a bigger dumpster?

Steven Carrico: Well do our dumpsters, we have ???? roughly once a week, and then twice a week for a larger store. This will be our sixth shopping center, Harrisburg, Illinois; Mt. Vernon, Illinois; it's our first in Evansville, Indiana or in Indiana for that matter and we do constantly update, improve. We've taken several older centers, rehabbed with new facades, brought in new tenants, new business, so this is our first attempt at a new ground-up shopping center, so it's a little different than what we're typically used to, but our level of involvement, being a local landlord as well as an owner, is different than some of these guys that come in from out of town, build and then just 10 or 15 year notes. We'll be in the property ourselves. We'll handle the maintenance, the sweeping, the lot, mowing, everything from ground up. And we have eyes on the ground, so we address those issues as they come up.

Councilwoman Brinkerhoff-Riley: Did I miss this? Are these pictures of the...

Mike Critchfield: This is the Rent One at the other store.

Councilwoman Brinkerhoff-Riley: Oh, okay. So this could this arguably could have been the day before the trash came. You just....

Mike Critchfield: It was there for over a week.

Councilwoman Brinkerhoff-Riley: When you open this store, presumably if you require, especially if you're going to have restaurants and food waste in your dumpster, I assume you're willing to, if you require more than one once a week trash service, I assume that's what you'll do, because it will make your life more pleasant too.

Steven Carrico: Yeah, and I would say if it is a restaurant, more than likely it's not going to be, it's much easier for office space or small cell phone type stores. The construction process as well as the permitting is much simpler. That would be our ideal outcome is a finance company, a Verizon Store, Hibbetts Sports, something along those lines. If it is a restaurant....again, we notify our tenants daily, your trash is getting out of control, your grease traps need cleaned, whatever those things are... we'll have a local onsite property guy that goes through and really pays attention to what is going on and makes repairs as needed if we have damage or anything like that.

Councilwoman Brinkerhoff-Riley: Thank you.

President Robinson: Is there anyone else that would like to speak for or against this zoning? Come forward Maam and please state your name and address.

Sharon Wright: Sharon Wright, 3030 Bromm Road, Evansville, a member of Covert Avenue Baptist Church, born and raises and went to Covert Avenue all my life, so we know the area well. There are several here from the Covert Avenue Baptist Church. They've kind asked me to speak with some of their concerns that I've written. Would you like me pass those concerns?

President Robinson: Do you have extra copies?

Sharon Wright: I made copies. I even made you a little folder because I heard the city needs a little money. Would everyone from Covert Avenue Baptist Church raise their hand that's here tonight? Okay, I'll probably read part of this because some of this is their notes and they said when we had the Area Plan Meeting, August 8th, I forgot a lot of things, so I don't want to do that.

Okay. The big problem that we had in the Area Plan Meeting, we were told one thing and now we're finding out more things, especially like the restaurants added. That kind of put a little thought process in the peoples' mind, cause we have so many now and so much trash we're already picking up, not only in the church lots, church property, but along the neighborhood.

President Robinson: I think he stated...did you state that you probably won't have a restaurant?

Steven Carrico: Our ideal intent would be no restaurants. They are messy.

Sharon Wright: Well, I know in Area Plan, I don't remember verbatim what he said, but he said hopefully, it would be more of a finance type CPA type office if I understood it correctly. So originally we don't really have a problem with the property going commercial. The biggest we had, in August, was those trucks coming in and out right at the side door on McConnell. I don't guess we have a drawing of that. Our trustee will show you furthermore about it. We have a handicap elevator and we have the children that when they get off of the buses there on McConnell they told us that their drive that there are going to be deliveries for their trucks now and for pickup trucks in and out delivering to customers will be right across the street there. Well, right now when someone lets someone out of the car, their doors are going out on McConnell. I don't know if anybody has been out there to measure, but its only 10 foot each side. Now imagine a big box truck coming in there or a semi. How would a semi get down McConnell? They are the big concerns that we had from Area Plan, but now there are more concerns because of what was said at the Area Plan meeting and some of the neighbors were not aware that it was being petitioned to go C-4. They had no knowledge of it. So I'll read a little bit of this what they put.

We have now learned that Rent One plans to have four retail businesses in their request for C4 zoning. We oppose and disagree with their intent. We were first told a retail store with 12,000 square feet was planned for a Rent to Own store. We then learned they had added another retail store adding 4,000 square feet to their building. Last week we were told two restaurants will go in a building on the west side in the development – adding another 26,000 square feet. We object because of the additional commercial use of the land in an already congested residential area as this would further make it unsafe because of added vehicles and foot traffic, people on walkers, which you see a lot of it, bicyclist, children on their bicycles. That is an unsafe condition because of these vehicles and foot traffic on Covert and McConnell Avenues.

In the minutes of the Area Plan Rezoning Meeting of August 8th, Mr. Carrico stated that they worked extensively with the land owners and found little resistance along the process. Many of the neighborhood residents that we have spoken with or have heard comments from state they did not realize such a large business would be constructed and all of these people have expressed their concern with traffic and truck deliveries. They are concerned with the added noise and the safe use of the city streets and the safety of their children. They feel as we do with McConnell being only 20 ft. in width it would be impossible to safely move large trucks in and out for deliveries. Especially, we are all concerned with semi deliveries. How do they expect to drive in and out and use 10 feet of the street? Do they plan to back in and out of their driveways? Or do they plan to park the semis on the street and unload from the street? I don't know if there is a code against that, but I told them I thought there would be a code against something like that, unloading on the street. I'm sure there would have to be on a residential street, or on Covert.

In the August 8th rezoning meeting with Area Plan, Mr. Carrico commented that most shipments come in FedEx/UPS style and the rarely get a semi-truck delivery. If they did, it would be at a maximum peak service which is September through December, possibly two semis a week. We feel even one a week is way too many semi-deliveries in our residential area. We also question the use of semi deliveries when McConnell Avenue is only 20 feet in width.

After hearing testimony against this rezoning and should the city council still be in favor of this petition to rezone to C4 for Rent One's commercial use, we ask that you do all you can to help us protect the neighborhood with certain restrictions and covenants we have set forth and we ask that you also assist us by preventing future rezoning of the properties and place into effect a more restrictive Use and Development Commitment as set forth on Page 2 of this document. The document addresses additional issues regarding their trash areas, storage and dumpsters, fencing, landscaping buffer, travel surfaces, deliveries and traffic flow, drainage and building materials, etc.

Now that document was prepared by an attorney we engaged. We found we could no longer afford the attorney, so we're to manage this on our own. We didn't feel that we were finding too much we could do to stop this commercial building, which is sad in our residential area. Many people have lived there for many years. Now I know it would be hard to sell properties, but surely there's another use that could go in there instead of a....we're already an under-privileged area with people. They'll be rushing to buy, they rush now to buy tickets to whatever...I'm not going to say anything against the boat, but a lot of the people are really....they don't have the funds to buy new so they will, it will be a good business for them. But at the same time, these are the same people that come knocking on our door for food, and their rent to be paid, and their utilities. We're in that type of a neighborhood, but it's a good neighborhood and there's a lot of good people still there that are concerned. Many times on McConnell you'll see four cars backed up trying to get to Covert. Now how's a truck going to be there? I'd just like to know how they're going to make deliveries. It's a small space.

President Robinson: So what would you like to see in that space?

Sharon Wright: In that space? Anything for the community. Why don't we have a little park for somebody? We have everything else. We've got McDonalds across the street a park. You might be surprised for the donations you might get. I don't really know. I haven't thought about it.

President Robinson: Councilwoman Mosby, have you talked with the church on this?

Councilwoman Mosby: Yes, I met with the church as well. And honestly, if you look, there's a small parking lot that they have that actually, Mr. Carrico tried to purchase as well which would have made it a little bit easier ingress and egress, and they even offered to allow them use of that part of the property so they could park there and they would maintain it, but the church did not want to do that. So...

Sharon Wright: Excuse, Ms. Mosby. I'm secretary/treasurer of the church and our trustees are here. Who did you talk to with at the church? We haven't ever talked to you.

Councilwoman Mosby: When I met with your attorney and a couple of people from your church.

Sharon Wright: Oh.

Dan Hart: Well (inaudible)

Sharon Wright: We have no document...offering a purchase price.

Councilwoman Mosby: I did speak with your attorney and she said that was not an option.

Sharon Wright: The other thing on the parking lot itself, originally we were told that they would give us a donation and in turn we would give them the lot and they'd give us back a usage for Sunday and Wednesday night services. Well many times Saturdays we have weddings, we have a lot of things. We can't just tie up our parking. We need it for...and besides that probably that lot, I don't remember the family's name, it was donated, and you know try to take away property from a family that has donated to the church is pretty rough.

Councilwoman Mosby: Sure.

Sharon Wright: And I live almost to Darmstadt but my heart and my passion is there on Covert for these people because when I was growing up that was a great place to live. We loved it. We had a lot of things going on. Community activities. That's why we're buying as best as we can when something becomes available. We own the little house on the east side of Covert that we rent. We've been renting it for the past nine years. She's moved now, but she was unwed, single mom, and that's the type people we're trying to help.

President Robinson: Are there any questions from any council members? Okay, thank you. Is there anyone else that would like to speak for or against this?

Dan Hart: My name is Dan Hart and I'm a trustee at the Covert Avenue Baptist Church, and I live at 8515 Darmstadt Road. And also I would like to be able to pass something out to you all. What I'm going to pass out is the McConnell Avenue street with our church on one side and parking lot on the other. I'm trying to give you a better look at what the street and the east side looks like. Our main concern was from the start, first I want to clarify something that, Mr. Carrico, as being the head trustee of our church for 27 years, has never ever come to the church to offer anything for our lot to buy it. He has a real estate man named Don Collins for the other, Mr. Purdue's property and the other three houses. So I want to put that to rest that that is not true. The lot is only 41 x 125 deep on McConnell and Covert. As Sharon said, we feel that, we called a special business meeting at our church and it was 98 percent not to sell the property even if had have been offered a price. So that put that to rest. Our main concern was about the house at 1617 McConnell being the delivery part of their business. And I have talked to, you probably all know her, she's up at the MPO, the report, the Evansville Access Standard Manual, Laura Lamb, and their studies found on Covert, it's so busy, that their entrance would have to be 233 feet from McConnell on Covert, so that would be, less 41, that's about 189 feet. And she says the drawing shows 24 feet for a cut, and she said 35 feet was the maximum, and I heard Mr. Carrico say 40. At the same time we were told that the other party, the petitioner, said that the MPO told them that they could have the McConnell cut because they can't get to on Covert. Now our neighbors, I know the codes change and times change, but most of the business across the street, some have...a car lot has 5 cuts, another strip mall as 3, McDonalds has 40 x 40 in and out. As you all know, September the 19th, they have to come back to the zoning because they're building such a big building, they do not have enough parking spots so the zoning has to, they have to get a variance from 72 parking spots down to 52 or 57, I'm sorry. So Laura Lamb said at that same time they were getting this variance for parking that they could have asked for a variance for another cut on Covert and eliminate the one on McConnell. But it wasn't done for some other reason, I don't know why, but it goes back to that 20 foot street. And on August 28th

our lawyer met Missy, and the trustee, and we're without a pastor right now, so we have a president, not a mayor, you know somebody over the church for documents and stuff.

President Robinson: Is the mayor preaching now.

Dan Hart: Well, I told Roger Lehman I sure love those crosses though. You know how that went. But we met Missy and the lawyer and we were there, and Missy, I hope she remembers we didn't get to talk to her because those two were in a huddle. Missy, you remember we almost got run over 5 times standing on that street.

Councilwoman Mosby: I don't recall that.

Dan Hart: Yeah, that's what I thought. Well you did.

Councilwoman Mosby: I wasn't right in the middle of the street. I was over on the side.

Dan Hart: Another main thing is the radius turn for trucks. On the original print you see here, they have two dumpsters in the back and we know they are trying to get every square inch of building they can. That's about 14,900 square feet of building they want to build....three different businesses and maybe four if they slice the 2451 in half. But you see from the parking variance they are going to have to get, I called Advanced Disposal. Their trucks are 9.6 x 33 feet long. He says there is no way when he saw this plot plan that they can get in there without making some serious turns to get into them dumpsters then get back out on the street. Well we know Covert's four lanes. I mean you could turn out, but on McConnell there going to be, unless they make two or three runs at it, they're going to be up on Covert's, well I won't say they'll be on Covert's property, Covert Avenue, but it would be close. And their box trucks are probably 24 to 26 feet with lifts on them. But you guys just look at that. If you see, if you know that McConnell is going to be used more than Covert with one 24 cut down at the other end. It's impossible to get in and out of the place. As everybody's been saying, it's a residential area behind that and there's children. I know Missy walks a lot. We have Wanda Tune here tonight that's a resident. She wants me to read a letter cause she don't want to get up here. She's walked with Missy once in a while. I know they know the area. For example, this week, and Mr. Purdue out here, we just talked about it and knew I was going to mention it. Thursday we had an accident there at 1622 McConnell. A lady got run over in her mobilized, she's handicapped. She was waiting for her child to get off the bus and a car came around the corner at Cass and McConnell and ran over her. She's pretty well, 911 ambulance was called and they took her to the hospital. I think she has a concussion, broken arm; she's going to have surgery because the truck crushed the mobile thing that she was in. And they've hired a lawyer, Mr. Gerling, to represent them. And he was going to be here tonight, the husband, but I don't see him to tell you what happened. But that's what we're talking about. It's a bus route even for children to get off and on. And you know, the state and the city, somebody has to get killed to get something done, like a light or something stopped.

President Robinson: Okay. Can we summarize this? So your main concern is about the delivery trucks getting in and out and then I guess we have a concern about the dumpsters from one gentleman. So you basically think, I mean do you have anything against the stores that are going to be located in that strip mall?

Dan Hart: Well, I think C-4 is a little heavy. It should have been a little lighter, C-2. I think they need to redesign their building. They're building too big of buildings for 1.2, they're building on 1.29 acres. And we've already got a parking problem.

President Robinson: Is there anyone in the audience that is in support of this zoning. Could you please stand so I can see?

Councilwoman Mosby: And also Southeast Neighborhood Association which actually the boundaries are Covert to Pollack to Vann to Boeke, their meeting is tonight. That's why they're not here, but the Neighborhood President and the Association is in support of this.

Dan Hart: Yes Missy, isn't he just the, I know he's, you know our church for years let you guys meet in the basement once a month, so we're not against...what started was the crime in the area. Some of the neighbors around there don't even know Tim Littlepage.

Councilwoman Mosby: They are set through United Neighborhoods of Evansville. We actually do walk the area. We hand out flyers; we let people know when the meetings are. It's a very active, very active neighborhood association.

Dan Hart: But it's still going to take

Councilwoman Mosby: I do apologize if I misspoke regarding your property. That's what I thought your attorney had said and I do apologize for that.

Dan Hart: Yeah, and also we were told, I don't know, I'm not saying, you know you people talk but did you tell our lawyers that our property wouldn't be worth the value that they built that place there now? The value would go down because we didn't sell it...

Councilwoman Mosby: No, I just said I would be concerned that you're going to be landlocked, because you know, this is going to be built around you.

Dan Hart: Well this is the parking lot for our church.

Councilwoman Mosby: I know, but I just said that to her that that's my concern if you are wanting to sell in the future that you might be landlocked. I was trying to be a good neighbor and be concerned.

Dan Hart: I know.

Councilman McGinn: Did I understand from Mr. Carrico that there are still negotiations going on about this one house that is on that plot? I mean, I'll ask him. Are you still trying to buy this other house and lot that's in that area.

President Robinson: You need to come to the microphone, please.

Steven Carrico: One, I'd like to address, we never did make a formal offer to the Evansville Church. I have a letter that we sent out 2/20/13.

Councilman M^cGinn: Well, what I'm just saying is, I mean, is there a reasonable possibility if this thing is set off, that you folks can actually meet and try to figure out a way, I mean it seems like a couple of problems that they're not insurmountable if people are willing to talk. Or do you want to get this thing voted today?

Dan Hart: Well, we know the other lots are commercial. The McConnell address, the street, it's not feasible for what they want to do. I'm talking about in and out, can't they get a variance to make Covert their only way in and out so that if they can get two 40-foot cuts then they should be able to make it, shouldn't you?

Steven Carrico: I mean, we worked with an engineer on rough WB 67 drawings showing a twenty-foot wide street with a forty-foot wide entrance which was the maximum allowable for this development. Again, we're not using McConnell past 67 feet, 60ish feet, we're not driving south on McConnell into neighborhoods with work trucks, delivery trucks, semi-trucks, anything like that. It would work but when I talked with the local EUTS as well as, I can't remember, but they said the likelihood of that wasn't as strong as possibly the likelihood of....

Dan Hart: That McConnell cut will be down the residential street about 140 feet.

Steven Carrico: Well, there's your parking lot, our lot, and then one house behind it on each side that will actually, that are within that 67 feet, so it's two properties on each side that will actually have any kind of a semi truck. And the church as well, which again I want to reiterate that we're not in business at any time during church, current church service hours or school hours, or things like that.

Dan Hart: I want to show you something. Yesterday, on a Sunday.

President Robinson: I'm like Councilman M^cGinn, I'd like to see you guys sit down and try to work it out.

Councilwoman Mosby: They did have an attorney and they were talking back and forth with Mr. Carrico and now they don't have the attorney.

President Robinson: Well, they said they couldn't afford an attorney.

Dan Hart: Well, Scott Danks is here tonight. When an attorney tells me that well we just done about all we can. We feel that you're at impossible impasse. I don't take that as an answer and if they think they can't help us, then I went to the city myself to find out all these things, as much as what they told me. The only thing they got me to be was to be able to meet Councilwoman Mosby. They helped us with the Use and Development, but Steve here had already filed on September 4th.

Steven Carrico: The timeframes for submission were 5 days prior to this meeting.

Dan Hart: Yeah, and the 5th was too late, and our lawyer was still trying to submit it and it wasn't going to do any good.

President Robinson: Councilman O'Daniel.

Councilman O'Daniel: I appreciate your concerns there because McConnell is a small, small area, and frankly whether you like it or not, once your customers come in you don't have control over where they leave. And they probably will use the McConnell if there's just the one curb cut. And so I would encourage you to try to ask for a variance for that second curb cut. I think that would help alleviate some of the problems. As you look right across the street, McDonalds has an ingress/egress, you know, an entrance and an exit, and perhaps that's something that can be done. But also this is an amended site plan, or an amended plan that he's put forth. I'm sure that it will be amended yet again, depending on whether they purchase the property next door or not. But I think the question that we have tonight is, what's the highest and best use for this property as it lies now, and as I see it, it's an empty property along a stretch of really highly commercially developed areas. And so I think there is still room to work, you know, perhaps he can build something for the bus service, perhaps he could put sidewalks out there to allow for safer pedestrian traffic along Covert Avenue, and perhaps even some along McConnell. But those are things that are sorted out later, not today.

Dan Hart: There is a bus stop in front of this property, too. City Bus Stop.

Steven Carrico: And again, it's just how we work with Evansville to access that site, so we're not opposed to it and if we do end up coming to terms on one or more of the properties there will be additional zoning meetings and stuff we have to go through as well. Again, when I talked with the gentleman, he said the likelihood of second curb cut wasn't as favorable as some other propositions. And as for our parking load, for our business is 1 per 400, so far. When you get into three or businesses in a building, it goes to 1 for every 200, which is the most restrictive, obviously, they have. If you were to think of a building 200 square foot, that's an office for some people, so that's a pretty heavy load as far as a parking ratio.

Dan Hart: Steve, let me ask you one question. In the August 8th meeting, you said that in a few years you would grow maybe to 30 to 40 percent and that you might hire more employees than the people you rent to. Tell me where you're going to park these people if you've already got to get a variance.

Steven Carrico: We've got 19 spaces across the back of the center. A typical store is going to have two to three delivery trucks, five to eight employees. The Rent and Roll also has two delivery trucks. The way we had staged it on rough numbers had counted that 19 parking spaces will handle a full load of the Rent One Store operating at a million and half dollars a year as well as the Rent and Roll Store that has three employees and I think it was three or four additional spots for the space next door.

Dan Hart: I mean in the future though. You say you're going to grow.

Steven Carrico: That includes growth. So we've done similar projects in Jonesboro with one for every 550, 600. We have one going on right now that has extremely reduced parking. I honestly don't think parking will be an issue, overflow into your space, if that's what your particular concern is.

Dan Hart: No, I wasn't worried about Covert's parking at all. I was just wondering about where you're going to put them and...it seems to me like you're going to have to, if the city makes you...are going to put a stop light there?

President Robinson: Okay. Thank you, Gentlemen. Is there any other questions or anyone in the audience. Okay, Maam you need to limit it to three minutes, please. Yes, please come forward.

Sharon Wright: I passed out this Use and Development Commitment that we would like you to look at and if anything is approved here tonight then does this just get trashed?

President Robinson: I think you have a Use and Development Commitment.

Sharon Wright: No but it doesn't cover what we would like to see as a church.

President Robinson: Oh, you're creating what you want.

Sharon Wright: No, we just put in there we didn't want to see bowling alleys, bars, tennis courts, archery, mortuaries, taxi service, drug stores, grocery stores, automotive service station that sell gasoline, dry cleaning plant. Many of these were addressed by Rent One. I think they did add the bottom ones, adult book store, adult juice bars, bikini bars, adult motion picture theater, ... they did add those after we...I think at the Area Plan they asked them to expand upon that. But off-track betting facilities, there's a lot of gaming operations that we would like to restrict the property from using, and if they are going stay there and just be what they are and maybe rent to a finance, why would they object to this.

Steven Carrico: We have an updated list that sent out. You guys should have a copy of it. It does restrict, I think, maybe 90 or so percent of that sheet.

Sharon Wright: No, it restricts some of these on the bottom by one code and a few at the top, but there are several others that we would be real concerned with...a recycling center.

Steven Carrico: That was the list that I sent to Missy as well as their attorney and Tom, I believe, and said here is what I'm looking at submitting. It was more restrictive. It included a few things we had talked about with Missy as well as the church and until they had...I hadn't had this on the deadline that it was to submit the thing or else we would've included some additional things. But I think a lot of those such as campgrounds and taxi services and cleaning plants and that type of thing, some of those may be already restricted next to residential.

Sharon Wright: That was for our future, you know for them to sell in the future. And I have three minutes, excuse me. And then there are the other things for the use, the travel surfaces, delivery and traffic flow, drainage...well drainage will be the drainage board so I'm going to trust our city engineers on that, the landscape buffer, the fencing which our neighbors are concerned about, the trash areas being enclosed. We're not objecting to businesses, we're objecting to the use of this. Well I'm sorry. You know I have property to sell too, and I also have acreage and you don't get much on 1.6 acre plat, let me tell you, and have parking. You really don't. You put a barn up there and you have a few stalls, you know, it's not really a big place to have four business and all those cars. So I'm just asking the council would we continue this till you look this over and we can agree. If you plan to approve this, we need this done. We're going to yell if we don't get it done. Can we do that?

President Robinson: Any councilmembers interested in holding this? I think you don't have councilmembers interested in holding it. They want to vote on it tonight.

Sharon Wright: Is there rebuttal from the rest of the neighborhood and the members of the church that you didn't approve any of this? We'll go to the appeals. We're going to every appeal.

President Robinson: Yeah, that's what you could do. Hopefully, I mean Steve, I hope you sit down with them, I mean the list that they have that they want to make sure these types of business are not in there, I mean, that is a reasonable list, I mean, peepshow facility...you don't want that next to a church.

Councilwoman Mosby: Some of that's already out.

President Robinson: Yeah, you know, some of these things I would think that you would be considerate of that and after tonight, regardless of what happens that you and the trustees of the church can sit down and try to come up with a happy compromise in some kind of way because you are going to be there in the neighborhood if it passes and they were there first. Okay, is there anything new or different? You need to come to the microphone and state your name and address.

Patti Arvin: Patti Arvin. I live at 1617 McConnell, Evansville, Indiana. I disagree with a lot that church has been saying about the kids in the neighborhood. I'm out there all hours of the day and night smoking because I don't smoke in my house. There's only four little kids that's in the neighborhood and the parents won't let out of the house. And as far as the school buses, the only school bus that picks up kids is down there on McConnell and Cass. I mean there's no kids running up and down the street all the time like the church people keep saying. I'm out there...Missy, you were there the last two times, the last two weeks, I'm out there all the time. And I talked to the news people today and Tim. They were out there.

Councilwoman Mosby: I see you every time I drive down the street.

Patti Arvin: Yes. I'm out there 24/7. And you know, I think it's a good idea. I think it's going to bring a lot of revenue to the area. I really am for it.

President Robinson: Okay, thank you. Sir, did you have anything to say. Okay, thank you. Is there questions? Okay, can I have a motion for adoption?

Councilwoman Mosby moved and Councilman Weaver seconded the motion to adopt Ordinance R-2013-12 as amended and call the roll.

ROLL CALL

Ayes: McGinn, Mosby, Brinkerhoff-Riley, Friend, Lindsey, Adams, O'Daniel, Weaver, Robinson

President Robinson: There being nine (9) Ayes and zero (0) Nays, Ordinance R-2013-12 as amended is hereby declared adopted.

REGULAR AGENDA

THIRD READING OF ZONING ORDINANCES

ORDINANCE R-2013-13

FROM APC

C-4 TO R-1

An Ordinance to Rezone Certain Real Estate in the City of Evansville, State of Indiana, more commonly known as 3001, 3009, and 3011 Kratzville Road

Petitioner: Kurt A. Koenig (3001)
Alicia L. Miller (3009)
JR & R Enterprises, LLC (3011)

President Robinson: Is there anyone here for Ordinance R-2013-13, Kratzville Road. One more time, JR & R Enterprises? Okay, we'll come back to it. Whose ward is this? Okay, John this is yours. It came forward with 9 affirmative votes. This is a down zoning, so this easy. Can I have a motion to adopt Ordinance R-2013-13? First, is there anyone in the audience for or against this zoning?

Is there a motion to adopt Ordinance R-2013-13 and call the roll?

Councilman Weaver moved and Councilman O'Daniel seconded the motion to adopt Ordinance R-2013-13 and call the roll.

ROLL CALL

Ayes: McGinn – Yeah, I'm sure this is one they have to downzone to an R-1 because it has a house on, it's not C-4, and they want to sell it. We do them all the time. I vote Aye.

Mosby, Brinkerhoff-Riley, Friend, Lindsey, Adams, O'Daniel, Weaver, Robinson

President Robinson: There being nine (9) Ayes and zero (0) Nays, Ordinance R-2013-13 is hereby declared adopted.

REGULAR AGENDA

THIRD READING OF ZONING ORDINANCES

ORDINANCE R-2013-14

TO APC

PUD TO C-4 w/ U&D

An Ordinance to Rezone Certain Real Estate in the City of Evansville, State of Indiana, more commonly known as 2536 Waterbridge Way

Petitioner: Donald & Michelle Pritzkau

President Robinson: Your name and address please.

Michelle Pritzkau: Michelle Pritzkau, 3003 Cox Mill Road, Hopkinsville, KY 42240

Don Pritzkau: Don Pritzkau, 3003 Cox Mill Road, Hopkinsville, KY 42240

President Robinson: You want to tell us about your zoning, rezoning, please.

Michelle Pritzkau: Yeah, what we're looking at is Donny and I started a business in Hopkinsville, KY in 2006 and it's a similar business to what we're proposing here, with some improvements actually. But we've been in business for seven years. Our business has grown tremendously so we're looking to expand. We've looked in a couple of different area, Clarksville, Tennessee, being one, Evansville, Indiana, being another. So we've been working for a couple of years to find a place and one of the things that drew us to Evansville is that there isn't a place like what we are proposing here currently. Our boarding facility, we do boarding,

dog grooming and doggy daycare. We would do cat daycare, but people don't seem to be too interested in the kitty daycare. Most people just leave them at home. What we are doing is we're looking at more of an upscale boarding facility. You have a few boarding facilities here now, but ours is all suites. We have no cage boarding. Our rooms are more like something you would find in your own house...white walls, floors that are clean, no drains in the floor. Most of us don't have drains at home. So we're proposing to build rooms that are more like what you find in your own home. As I said, we looked for....the first property we looked at was a couple of years ago, about two years ago. In the last meeting I kind of made it sound like we just kind of jumped on this property and we're ready to go. No, we've really been working at this for a couple of years. Until June, we did not find a place that met our standards, so we turned down the other businesses that we actually looked at. One of them being on Congress, there was a couple in the industrial areas, but they did not meet the standards for what we're looking for in a boarding facility. The boarding facility that we run currently with our doggy daycare and our boarding being our primary businesses is all indoor. I want to stress that it's indoor boarding and indoor daycare. We have playrooms inside of our facility. The only time the dogs are let out is during their potty breaks. So we have periods of hours during the day where they are not let out. Right now, we start at 7:00 in the morning and the last time we have the dogs outside in Hopkinsville is 7:00 at night. So in the evening hours and during the day, our doggy daycare, like I said, is inside. Currently your facilities in the Evansville area are outdoor doggy daycare that we've seen. We visited a few places here just to kind of see, because like I said, we looked around to see where the business was needed the most. We've looked at a couple and they do outdoor daycare so the dogs are outside all day. During the day it's hot, it's cold. Dogs don't want to be outside all day. So that's what we're looking to change in this area. The property we looked at or that we're proposing is currently a child's daycare, which is kind of ironic because the one we have in Hopkinsville, one of the buildings used to be a child's daycare. And we actually went in and we remodeled that because the daycare in Hopkinsville didn't actually meet the standards we wanted for dogs so we repainted everything and remodeled the whole building. And we do have people, it's kind of funny, we have people that comment and say our doggy daycare facility smells better than some of the kid's daycare facilities I've been in. The one we're looking at now is not like that. It is a very nice facility. The problem and you can see if you look at the second page of the handout, you can see the condition that it is in now. Mr. Fry and Ms. Fry that own this property now are currently running a daycare in that building. And you can see that it is in desperate need of some repairs because their plan is to be done, you know, to close it, or to retire I should say. And he's going to actually speak in few minutes so I won't go into too much about what he's doing. But the doors are rusted; the doors all need to be replaced. If you look on the bottom row, the first picture, you can see that it is all chain link outside which there is absolutely no sound barrier between where the kids are playing and any of the businesses in the surrounding area. So I think that has probably been one of the major concerns is the noise level. And when you do look at a boarding facility or any kind of a dog facility that is a huge concern, and I really wish I could bring all of guys to Hopkinsville, because ours isn't like that. I don't know if you guys got a copy of this handout.

Don Pritzkau: This is a place that is currently operating here in Evansville and if you wanted to build a place that absolutely made no effort to control sound, or any nuisance to their neighbors, this would be it. It's up on a hill, it has concrete along the back for the dogs to run on and it's a sheet metal building, so it's all reflective surfaces reflecting the noise of the dogs to their neighbors. They might take great care of the dogs, I don't know. They might not know or care about sounds. I don't know these folks. I try not to say anything bad about them. It might be a great place, but they didn't make any effort at all for noise abatement.

Michelle Pritzkau: So I think that this is one of them that you may have heard there are issues with, but concrete, sound just reflects off of that. Our background, my background is in engineering. I have an engineering degree and a management degree. His background is in, he was a sonar tech in the Navy, so we understand sounds pretty well. So we have greatly improved our current facility to be...when we built it, we haven't had to make too many modifications to change it. We were lucky enough to plan it right the first time. We actually a couple of years ago went before our city council and our zoning board to purchase another building next door and we did not have one person go and remonstrate that. And that should kind of be a tell all of how we are running our business. But anyway, in the kennel business the two things that are the major issues are odor and noise. Odor, this is what we use currently. This is called kennel grass. We visited several facilities, like I said, we've never seen this used in any other kennels in this area or any of them in our Hopkinsville area, unless they tried to copy, but then they use little pieces. We have covered our entire runs outside with this. It's not cheap. It's in excess of \$5,000 to cover the area. But what this is its anti-microbial, it does not hold bacteria. You disinfect this, you clean this, you put this on a gravel base. It's like a creek gravel base. So whenever you clean it, there are little holes in the bottom that the disinfectant, the water and urine go down. All of the solid waste, one of the things that we did when we proposed this business in Hopkinsville is we went to the Sanitation Department, which we were not required to. We went to the Sanitation Department and said, "How do you want us to dispose of the solid waste?" They said, "Put it in just a big green garbage bag", would be fine with them. So we wanted to make it a step above cause we don't want to smell anything either so we use, just like diaper bags, we actually buy 'em from the Dollar Tree, so we're doing a great business for them, but we use those diaper bags and then we tie it up in a knot and then throw it in the green garbage bags. So that takes care of the odor.

This grass that we use, if you look in some of these pictures you will see some of us and some of the girls that work for us. We're on that grass. We're not gonna get on there if it's nasty and stinky and dirty. I mean I don't want to smell like urine or anything worse. But we actually do. You can lay on this after you disinfect and clean it. So that's...we would do the same process here.

And then on our in-side kennel, as far as odors go, we use our...we're on our hands and knees, we do not have drainage...drains in the floor. A lot of places wash the solid waste and the urine down the drain; we are not that place. We are on our hands and knees. We use disinfectant and our kennel smells, you know, it smells great.

Noise...so I told you about replacing the chain-link outside. What we have is...our proposal is white privacy fence that's the PVC privacy fence. You guys have probably seen the six-foot fence. That's what we're proposing to use but in addition to that, if you look at the front page, there's shrubbery that goes all the around that privacy fence so we have a double barrier, not just a single. Currently, again if you look at these pictures down here, our neighbors are much closer in our current facility than the neighbors would be in this new facility. So there is a bigger area but all of this area that you don't see any fences in, we are not planning to put fences there, okay. So that's another barrier, that's a...

Don Pritzkau: We're not planning to use it.

Michelle Pritzkau: Yeah, we're not planning to use it, yeah. So this is the building that's on this area and that parking lot is currently there. We're just going to add those runs in the back. And again, our hope is that any of the businesses don't even see any of the dogs. It would be protected with that six-foot privacy fence. Sometimes you can see or hear through that but the vegetation is the important part of keeping the noise down.

Councilwoman Brinkerhoff-Riley: Just as a point of cr...I understand in your drawing and reading the notes from the APC that where the shrubbery stops, that's not actually where it would stop?

Don Pritzkau: *(Off Mic)* Yeah, we would move it. There is no point in stopping it there.

Councilwoman Brinkerhoff-Riley: Yeah, it would actually go...

Don Pritzkau: *(Off Mic) (Inaudible)* privacy fence, because the shrubbery kind of hides it *(Inaudible)*...

Councilwoman Brinkerhoff-Riley: I understand. For purposes of the drawing, it does not go all the way to the edge of the property but in reality, it would.

Don Pritzkau: Yeah.

Michelle Pritzkau: And it would be tall enough that you wouldn't actually see the privacy fence once it's installed and once it grows, so it would be tall enough to cover that.

Don Pritzkau: *(Off Mic) (Inaudible)* Leyland cypress or...

Councilwoman Brinkerhoff-Riley: This is a quick-growing cypress I understand from what you said. What is your estimated time for it to reach its height?

Don Pritzkau: *(Off Mic)* Estimate two or three feet per year of growth on that.

Councilwoman Brinkerhoff-Riley: Two to three feet per year?

Don Pritzkau: Yeah.

Councilwoman Brinkerhoff-Riley: Okay. And how big is it when you put it in? Already like a foot tall?

Don Pritzkau: *(Off Mic)* Yeah. You can buy whatever size you want to. I would probably go for a three to five foot.

Councilwoman Brinkerhoff-Riley: To start with?

Don Pritzkau: *(Off Mic)* Three to five...

Councilwoman Brinkerhoff-Riley: Okay.

Don Pritzkau: *(Off Mic)* I would want to consult with one of the actual local nursery here to see what they're recommending but the Leyland cypress is pretty popular and then I'd probably put another taller shrub behind that. I can't remember the name. *(Inaudible)*

Michelle Pritzkau: Taylor something?

Don Pritzkau: Yeah, Taylor cedars or something like that behind it. And I was reading a report by the University of Tennessee and they estimate a vegetative buffer like that, properly planted, would do a seven-decibel reduction in the noise level, which is about...if you look at...turn that into a percentage, it'd be about a 40% reduction by itself without even counting the fence.

Councilman O'Daniel: What would be the, since you brought it up, curious more than anything, what would be the decibel level of a barking dog? What is that?

Don Pritzkau: You know I don't know off the top of my head. I'm sorry.

Councilman O'Daniel: What is it in relation to the traffic on First Avenue? Less or more?

Don Pritzkau: Probably would depend on the dog. *(Inaudible)* the traffic, you know, it could be equivalent, might be a little louder. You know how some dogs are very loud; some traffic is pretty loud if it came with a 2000-watt stereo thumpin'. It gets pretty loud.

Councilwoman Brinkerhoff-Riley: But I understand that its current use is a day-care and I spoke with Mr. Fry who said that it's not unusual on any given day, when they're in full swing, to have 30, 40, 50 kids out in that fenced area and they're screaming. I mean, not...you know, I mean, they're kids.

Michelle Pritzkau: And they only have that chain-link between 'em.

Councilwoman Brinkerhoff-Riley: Right, so when I make that comparison in my mind I can't...I have trouble believing that these animals would be louder.

Don Pritzkau: Well we...and we make an effort, of course, to control that. If you have a dog that just barks a lot, what we do is we...when we come in, we let the dogs out to pee, right, at 7:00 in the morning. We let 'em out real quick to pee. If there is waste in their room, you wipe that up real quick and you let 'em back in until you've had all the dogs out once. They're usually out for about 10 minutes the first round, each room of dogs. You let 'em back in. Once we have that first round done, cause everybody gets excited and they want to pee first thing, you know when you get up in the morning your dog wants to go out, so you get 'em out as fast as you can and back in so the next ones can go out. Then after that we come through, let 'em out again so they can have a little bit more time outside and we'll do a more thorough cleaning of the rooms and feed 'em and let 'em back in. That usually takes I believe about 15 minutes for a room. Both those rotations are normally done by 9:00, cause our girls go on break at 9:00 and they're usually done by then, which I don't know, the business is probably not even open. Long John Silver's probably doesn't have a breakfast, I don't know, 10:00.

Michelle Pritzkau: They're 10:00, yeah.

Don Pritzkau: Yeah.

President Robinson: I guess the insurance company would be open.

Don Pritzkau: They might be, yeah. I don't know the hours (*Inaudible*)

President Robinson: Do you plan to manage the business or will you...someone else, or will you stay in Hopkinsville?

Don Pritzkau: We would move...eventually like to move to Evansville. We've been...I've been...we've been coming here since the 80s actually. It's (*Inaudible*)...I lived in Henderson so I used to cruise North Park when that was still the place to cruise, and we would like to move up here.

Our various jobs and stuff have kept us in Hopkinsville for the years and we would kind of like to get out of there and come to Evansville. We drive here; before this started we were coming here at least every other weekend.

Michelle Pritzkau: Now it's a couple times a week.

Don Pritzkau: Now we're here a couple times a week working on this with the Planning Commission.

Councilwoman Brinkerhoff-Riley: What do you do with...my aware...this...want to know about doggie daycare is that, like any daycare, you know, if you're running a daycare of children and you've got a kid that comes every day and won't stop biting, you know it becomes an issue that maybe they're not a right fix for...a fit for the daycare. I had a bitter, (*Inaudible*) and we didn't make it through daycare. But when you get a problem animal, maybe one that every time you put it out it just howls and barks, do you...is there any point that that's just not a good customer for you and that for your own piece of mind, maybe you refer them on to another provider.

Michelle Pritzkau: Well what we do is we have ways that we handle different dogs and you do have dogs that come in that are barkers. They do not stay outside by themselves for long periods of time; they come in. None of our dogs are out for more than 10 or 15 minutes at a time unless we're out and I take a lot of pictures. I do facebook a lot of our customers so they can see their dogs while they're at work or while they're traveling or whatever they're doing. But we bring those dogs in; we clean their room, we bring them in right away. If the dog is a bitter or a barker, we don't...we don't put all of our daycare dogs in one group, okay, so a lot of places do that as well. We have small dog groups, medium dog groups, and large dog groups. We manage it very well. We don't have a lot of aggressive dogs but we don't ban any breeds either. We keep Staffordshire's, we keep pit bulls, we keep everything. I have two pit bulls of my own. One's a puppy and one's a bigger one. But aggressive dogs, we do ban if they bite one of our girls or they bit, you know, they're aggressive to a customer up front, they're banned and they're just not allowed to come back. We leave it to them; we don't want to recommend another place so that they have problems there themselves but on our boarding form, we have a very thorough two-page boarding form. If they're...we ask if their dog has bitten anyone. But usually within the first few minutes of meeting that dog and that customer, you know right away. As far as the barking goes, like I said, those dogs come in. We have had some where we had to stay out with them just to keep them from barking. But one of the things that we do is we have playground

equipment outside, we put balls and ropes out there so they're not just out there bored, standing at the fence barking. That's another problem that a lot of places have is they just let 'em out and they expect 'em to do their business and stay out for 30 minutes at a time. But a, yeah, if we have an excessive barker, they come in.

President Robinson: Is this a four-star or five-star?

(Laughter)

Don Pritzkau: *(Off Mic)* Might as well shoot for five stars. There are a few dogs though, I tell you the truth. There are three or four in the seven years we've been *(Inaudible)*...

President Robinson: Guess they don't take alley dogs, huh?

Don Pritzkau: *(Off Mic)* She's a certified animal trainer.

Michelle Pritzkau: Obedience trainer.

Don Pritzkau: Obedience trainer, and so she's pretty good at evaluating 'em and then training the staff to do the same thing. A lot of it is just experience. Sometimes you get bite. That's a hazard of the job.

President Robinson: Are there any questions from any Councilmembers?

Councilman Adams: Yeah, who's gonna be there Sunday night at midnight?

Don Pritzkau: We...well of course we use entry alarms, fire alarms...

Councilman Adams: No, no, who on your staff? Obviously you're not gonna live there.

Don Pritzkau: We don't staff it at night, yeah, we leave 'em. We go home at 7:00. We're not allowed to let 'em out after 7:00 in Hopkinsville so...

Michelle Pritzkau: They're by themselves and if you walk into our facility at 9:00 at night, most of the time they're all asleep.

Don Pritzkau: We have security *(Inaudible)*.

Councilman Adams: Those dogs are alone from 7:00 at night until 8:00 in the morning.

Michelle Pritzkau: We usually get done closer to 8:00 inside and then we leave.

Councilman Adams: And so if a dog gets sick at 9:00 or 10:00 can you view them?

Michelle Pritzkau: We do have cameras inside. We don't have cameras in every room. In the seven years we've been open, we've never had an incident as far as that goes. There was a 16-year old dog that did pass away. It was a Labrador retriever and the average lifespan for a lab is about nine or ten years. In all the years we've been open, that's the only incident we've had.

Councilman Adams: But you don't have somebody there 24 hours a day.

Michelle Pritzkau: No. It's hard to pay 'em that price...

Don Pritzkau: You can't leave just one person, you gotta leave two probably and you're not allowed to have a residence in a C-4 anyhow so...

Councilman Adams: Well where I board mine, there's somebody 24 hours a day.

Don Pritzkau: Is there?

Michelle Pritzkau: Yeah, we had...

Don Pritzkau: *(Off Mic)* Some places are able to do that, depends on where they're at.

Councilman Adams: Cause they live there.

Councilwoman Brinkerhoff-Riley: Are most of your dogs daily visitors though as opposed to boarding? I mean, I guess when I thought of daycare I thought of...

Don Pritzkau: *(Off Mic)* We're primarily board...our target is boarding business. We also offer daycare. The daycare has grown some over the last...

Councilwoman Brinkerhoff-Riley: Okay, you've got a mix of people that are bringing their dog for the day because they just love this little guy and want him to be cared for while they're at work and then you've got people that maybe go on vacation.

Michelle Pritzkau: Absolutely.

Councilwoman Brinkerhoff-Riley: But ultimately, I mean I understand already that's all inside but you do accept dogs for daycare purposes. And what do you think that, in your current business, what's the mix? What percentage are overnight guests versus daily guests?

Michelle Pritzkau: It depends on the time of the year. Like currently right now we'll have about 30 tonight, overnight boarding, and we have about that many that come so right now it's about a 50/50. The daycare...every boarding dog has their own room; we never leave two dogs from different families overnight together, so every board dog has their own room. During the day, we do put our daycare and our boarding in the same groups. Every single dog that stays with us, daycare or boarding, has to have vaccinations and we're extremely strict on that.

Councilwoman Brinkerhoff-Riley: Oh yeah, no that's pretty standard but I guess what...go ahead.

Don Pritzkau: In 2012, I think it was three-to-one, boarding to daycare.

Councilwoman Brinkerhoff-Riley: Okay and when you talk about leaving an animal overnight, I mean that's the equivalent I guess of me going to bed while my dog is out asleep in the living room. You know what I mean in that sense that unless your dog is ill, you know. I wouldn't know if my dog died in the middle of the night either.

Don Pritzkau: *(Off Mic) (Inaudible)* One difference is...

(Laughter)

Don Pritzkau *(Off Mic)*:...you don't have...

Councilwoman Brinkerhoff-Riley: We don't sleep together.

(Laughter)

Don Pritzkau: *(Off Mic)* Well there's no extension cords for 'em to chew on at night. There's no...nothing for 'em to get into, that kind of thing. It's a safer environment. Your dogs can get into some stuff if you're not watching 'em.

Multiple Speakers Speaking Simultaneously - Inaudible

Don Pritzkau: *(Off Mic)* We make sure they have toys...every room has toys, a bed to sleep on and water 24 hours available.

Multiple Speakers Speaking Simultaneously - Inaudible

Michelle Pritzkau: And one of the things also in Hopkinsville... *(Inaudible)*

Multiple Speakers Speaking Simultaneously - Inaudible

Michelle Pritzkau:...for the last few years we've been the official place to board the Canine Unit so we have five of the Police Department dogs that board with us regularly and then we have one from the Sheriff's Department that boards with us. If you know anything about how much those dogs cost, it is extremely expensive. A lot of 'em around \$20,000 just for one dog so last weekend we had \$100,000 worth of just the Police Department's dogs. So when they come in and scrutinize a place, it's pretty extensive. They will not leave 'em and they had not left 'em at the other boarding facility that's in Hopkinsville.

President Robinson: *(Off Mic)* Are there any questions from any Councilmembers?

Councilwoman Mosby: I have one question. Near my area, there is a doggie daycare and they have chain-link fences so this proposal is how you are going to do it? You're gonna have the privacy fence?

Don Pritzkau: *(Off Mic) (Inaudible)*...a foot or two here and there but that's...it's...actually we've already purchased all of it; white, plastic, you can see for the outside fencing.

Councilwoman Mosby: Okay.

Don Pritzkau: *(Off Mic)* Then we'll install the chain-link *(Inaudible)* but that's...that's...

Councilwoman Mosby: Then you do have a buffer and everything for the *(Inaudible)* you were saying...

Don Pritzkau: *(Off Mic)* None of the dogs are actually gonna go out to the edge of the property.

Councilwoman Mosby: Okay.

Don Pritzkau: *(Off Mic)* It's all like...this buffer here would be the smallest buffer and then you have this whole...this is about .6 acres or more...what is that, the north side of the building?

Councilwoman Mosby: Okay. Thank you.

Councilwoman Brinkerhoff-Riley: And I think it's...maybe it's misleading because the current daycare has a greater area fenced-in and so I think that was maybe some of the assumption...

Don Pritzkau: *(Off Mic)* Yeah, yeah, this is all *(Inaudible)*

Councilwoman Brinkerhoff-Riley: Yeah. It's got a bit of fencing and you wouldn't use that.

Michelle Pritzkau: It'll come down. Most of it is rusted and needs to be replaced. This area...

Councilwoman Brinkerhoff-Riley: Yeah, I went out and looked at it.

Michelle Pritzkau: Yeah, in this area here, they're currently using with the children.

Councilwoman Brinkerhoff-Riley: Right.

Michelle Pritzkau: We would not use that with the dogs so that would be part of our buffer area.

President Robinson: *(Off Mic)* All right, is there anyone in the audience that would like to speak for or against this?

You can come up and state your and address.

(Mic On) Attorney Danks wants to know can he send his kids there. It seems like it's such a nice place.

(Laughter)

Don Pritzkau: *(Off Mic)* *(Inaudible)*

(Laughter)

Dennis Frey: Madam President, I am Dennis Frey. I reside at 8166 Greencrest Drive in Newburgh, Indiana. My remarks will be brief but I have them prepared. Would the president wish for me to give these to the Councilmembers?

President Robinson: Yes please.

Councilwoman Brinkerhoff-Riley: Could we also have your poster boards back. Do you mind kind of passing those around? I know you had some pictures of your current facility that we were kind of looking at from a distance.

President Robinson: Thank you.

Don Pritzkau: *(Off Mic)* I don't know if you want to see this, you can. We were waiting for a bus, or subway train, in *(Inaudible)* and people looked at us. They didn't know what kind of grass we were talking about *(Inaudible)*.

(Laughter)

Dennis Frey: I serve as Chairman of the Board of Christian Education Enterprises, Inc., a 5013 C-3 Not-for-Profit ministry. CEE, Inc. owns the 2536 Waterbridge Way property being considered for rezoning approval. For the past 16 years, through one of our subsidiaries, Bright Beginning Christian Child Car, an Indiana State registered daycare ministry founded by my wife in 1997, my wife and her staff have ministered to hundreds of Evansville's most needy children.

However, due to the realities of age and health, the decision has been made to conclude that incredibly challenging, though wonderfully rewarding, ministry. After more than a year on the market, we now have a contract for the purchase of the building and property. The purchase is contingent upon rezoning from PUD to C-4, followed by a special use permit.

We believe that the potential buyers, Mr. and Mrs. Donald and Michelle Pritzkau are honorable and civic-minded members of their current community who desire to bring to our community a business model that would be a benefit to the Evansville area.

The Pritzkau's selection of the property under consideration is based upon their successful operation in a residential and business area of Hopkinsville, Kentucky, not dissimilar from the Waterbridge Way area excepting that in Hopkinsville, the residences and businesses are actually closer to the operation than would be the case of the property in Evansville.

Toward that point, and as a few examples, it may be of interest to note that the entrance to the insurance office located to the west of the property actually faces the drive through for the bordering Long John Silver's restaurant and is 110 feet from the nearest property line while only 50 feet from a very busy and noisy First Avenue. Similarly, the Long John Silver's entrance is located only 40 feet from First Avenue. Their entrance is located 150 feet from the nearest property line. Equal or greater distances separate the other businesses and residences with one significant barrier; the entire 2536 Waterbridge Way property is surrounded by streets and side drives. There are no non-drivable property connections to any of the surrounding properties. In addition, the Waterbridge Way property is of considerable size, being about 240 feet at the widest and 350 feet at the longest, covering an area of about 1.25 acres. The very size and location of the property lends itself to the goal of operating a high quality pet-care facility while at the same time being responsible neighbors.

Furthermore, comparing the type of pet-care facility currently operated, and proposed by Mr. and Mrs. Pritzkau with businesses of similar sounding names could easily fail to take into account the unique purpose and method of the Pritzkau's operation. It is also important to bear in mind that the Pritzkau's are aware of the Evansville's existing ordinances designed to protect the peace of

the Pritzkau's are aware of the Evansville's existing ordinances designed to protect the peace of the community. It seems reasonable to suggest that these highly successful businesspersons would be willing to make such a large financial investment only if they were confident that their venture would not bring them into conflict with existing codes. Their high standing in the Hopkinsville community, and especially with their close neighbors, gives ample proof of their credibility in this matter.

Therefore, being well acquainted with that area of the city, I would like to encourage the Council, and those here who represent business and personal interests, to consider the following benefits of approving the request.

1. The Pritzkau's good neighbor reputation would add value to the immediate area.
2. It will be a positive step toward much needed community revitalization, including considerable upgrading and improvement of the current building and property.
3. The business would become a consumer of goods and services in the area, thereby helping to increase and improve commerce.
4. It would supply new employment opportunities for those who live nearby.
5. A fresh and innovative business of this type would attract many new patrons and clients to the benefit of adjoining and nearby businesses.
6. It would provide a needed and wholesome service to the community.
7. It would seem a logical compliment to, and a benefit for, the existing veterinary clinic that shares the northwest property boundary as well as the dog grooming business directly across the street.
8. It would remove a substantial piece of property from the not-for-profit tax-exempt status to for-profit income producing status.
9. Finally, it would eliminate the probability of adding yet another vacant building and unused property to an already struggling area of the north side as it has been decided that our organization would not wish to continue the daycare ministry beyond the end of the year.

Thank you for the opportunity to present my views. I respectfully encourage the approval of the request. Thank you Madam.

President Robinson: (Off Mic) Are there any questions? Thank you. Is there anyone else that would like to speak for or against?

Krista Lockyear: Madam President, Members of City Council, my name is Krista Lockyear and I am here in opposition to this rezoning request, representing several of the existing businesses that surround this location.

(Audio of barking dog played while Ms. Lockyear is speaking)

The petitioners have delivered to you pictures to take a look at, pictures sometimes say a thousand words; sometimes a barking dog says a little more than that as well so I think I'd like to all to hear what we may be talking about that my clients and the business are gonna be subject to.

This is a YouTube video that is a dog in a kennel at a daycare. One dog with another dog adjacent to it, they're not together, but they hear each other, they smell each other, and they bark. And when these dogs go outside, my clients who have active businesses surrounding this property are going to hear the barking. Maybe not at night; hopefully when the dogs are alone,

unattended at night and they're all inside, I'll give 'em that. But this soundproofing cannot prevent the noise of a dog when it's outside and aggravated.

We did look up real quickly, and this was a quick little Google search on the phone, but the decibel difference of a dog barking to busy traffic, a dog is a 100 decibels versus light traffic at about 50, so maybe 70 or so for heavy traffic.

By way of introduction to my clients and their vested interests in this area currently, and keep in mind, these people are there, actively in business at this point. The Archer Insurance building, which is exactly where the cursor is now, the entrance to that office is from the alley behind the business so all of his customers will be coming right down the street next to the doggie daycare to enter into this property. My client, Jim Kratochvil, the owner of Archer, has been there since 2005. He is a local resident and employs, obviously, local employees here in town and is very concerned about what this is gonna do to his business. He indicated to me he's got a lot of elderly customers that come in. They want to talk about their insurance, about their financial plans, and the distraction of dogs barking outside, immediately adjacent to this property is a very scary situation for him.

Also adjacent to this property and local owner Mike Richardson, Mike and Jim are both here with me tonight, Mike is a commercial real estate agent with REMAX® Commercial Realty and owns the property that is currently being leased to the Long John Silver's, adjacent to Archer Insurance, where the cursor is currently. Mike's tenants have expressed great concern about the potential of the dogs barking adjacent to their property and expressed the potential that they may not renew their lease if this becomes a problem. Mike has owned this property, with his family, since 1992.

The complex, there is a professional industrial complex kind of interior to the circular driveway where the cursor is located now. That complex is owned by Wayne Ellis who is also a commercial real estate agent and is adamantly opposed to this rezoning. Wayne couldn't be here tonight because he is out of town on vacation but asked and conveyed that he would like me to express his concern and displeasure with what the potential dog in the area business could do to not only his own business of renting to professional offices, but also to all of his tenants' businesses, and again, having their professionals come visit. One of these, you have accountants, you have medical offices in that facility, they're all professional and places that are service oriented. The idea of having this dog kennel adjacent to is very frightening to those owners and tenants. Wayne has owned this property since 2004. This property is accessed at 1.5 million; the other two properties are both around 200 to 250 thousand.

I also have the client who owns the apartment complex, The Crossings I and II, is a gentleman out of Indianapolis, so not local, but also about a 1.5 million dollar income-producing property right now and Mr. Puller, the owner of that property, has asked that I express his grave opposition to having dog kennel located adjacent to his apartment complex. The concern is obvious that this is going to have a detrimental impact on these existing businesses' ability to sustain what they've been doing in the area. And the Crossings has been there and owned by the Puller family since 1982.

The area of the North Park and First Avenue/Diamond interchange here, I drive by it daily. I work downtown. I live on the westside. It has gone through a lot of strife. It has become an area that has started to revitalize and the demolition of the buildings that were across the street

from First Avenue leave open a really good opportunity for a significant retail development to come into this area, but if we run the risk that we allow a daycare into the area, and my client's concerns and all the other property owner's concerns are true, as opposed to the petitioners hopes that it won't damage their businesses, then this area is going to start a downhill slid.

Councilwoman Brinkerhoff-Riley)

› *Speaking Simultaneously - Inaudible*

Krista Lockyear)

Councilwoman Brinkerhoff-Riley: Can I ask you a question real quick?

Krista Lockyear: Yes.

Councilwoman Brinkerhoff-Riley: I just...well...I was gonna ask you, does that Long John Silvers also own the Rally's property there?

Krista Lockyear: No. Mike Richardson owns the Long John Silver's property only.

Unidentified Speaker: *(Off Mic)* BR Associates, which also owns Rally's, they are a tenant.

Krista Lockyear: A tenant, but not the owner.

Councilwoman Brinkerhoff-Riley: Okay, but you own the property...

Krista Lockyear: Mike Richardson owns...

Councilwoman Brinkerhoff-Riley: The Rally's and Long John Silver's.

Krista Lockyear:...owns the Long John Silver's property.

Unidentified Speaker: *(Off Mic)* Long John Silver's...

Councilwoman Brinkerhoff-Riley: You rent the lot to the Rally's.

Unidentified Speaker: *(Off Mic) (Inaudible)*

Krista Lockyear: He does not....we don't own the Rally's property.

Councilwoman Brinkerhoff-Riley: Okay. For some reason I thought they were the same...

Krista Lockyear: I think the tenants are owned by the same entity but I'm representing the landlord who has been told by the tenants that they've got concern...

Councilwoman Brinkerhoff-Riley: But that's related to just the Long John Silver's?

Krista Lockyear: Yes, yes.

Councilwoman Brinkerhoff-Riley: Okay, thank you. I'm sorry to interrupt you.

Krista Lockyear: No problem, no problem.

The promises and commitments that the petitioner gave you about how wonderful their technological advances are to prevent noise and smell, especially the main concerns, are great promises but we don't have any guarantee that they're going to work.

Again, that's not the risk that is responsible to take when you're looking at businesses that are...that have been here, have been effective, that are paying property taxes, generating income, and paying employees locally in this area.

The noise ordinance violations are a concern. If the dogs are outside, we are not sure how we are going to deal with continually calling to have somebody come out and check the decibel levels.

Again, the proposed upgrades are just that. They're proposed upgrades; maybe they'll work, maybe they won't work.

The petitioners indicated to you that currently I think they said they've got about 30 dogs out there. Starting at 7:00 in the morning, they start letting these dogs out and the Area Plan Commission testimony indicated they each go out three or four times a day. So 30 dogs going out three or four times a day, you're gonna have this noise out there no matter what you're gonna do.

Mike Richardson, the...again the owner of the property that's Long John Silver's is also a partner and a manager of Burkhart Square Office Industrial Park located on the eastside of Evansville. I don't know if any of you are familiar with it but there is a doggie daycare out in that area as well. I've actually taken my dog out there. Anybody that's taken a dog to a doggie daycare...they're great but they're noisy. Mike indicated to me that their facility is approximately 200 yards from that doggie daycare; the tenants constantly are bothered by and complain about barking noise. The proposed is only approximately 50 yards from my clients' and the local businesses.

Without absolute, complete assurances that this rezoning, that's perspective, that's people coming into town, wanting to buy a location, they haven't bought it yet; it's not damaging to them at this point if you say no to this rezoning. It is too much of a risk to take to what it could do to hurt the local businesses.

A vote no for this rezoning is a pro-business vote and a vote for Evansville residents. And with all due respect, I hope the Pritzkau's can move to Evansville and get something brought to our community but when you have local residents and local businesses asking you to say no because it could jeopardize their livelihood, the responsible thing to do for the Evansville citizens is to vote no.

President Robinson: *(Off Mic)* Are there any questions for Ms. Lockyear?

Councilwoman Brinkerhoff-Riley: Yeah I had a question. I mean I guess what I heard you say was that, and I'm gonna butcher their names...the Pritzkau's? I guess what I heard you say

was that they were making promises. To me it sounded like they've gotten a proven track record in Hopkinsville. I mean have you looked at their letters of reference? I mean it sounds like it's not promises. I mean they demonstrated for seven years their ability to run a dog daycare without interfering with their neighbors. And I guess what bothers me is I went out there and that Long John Silver's smells so bad and it's so loud because of the fryers and the fans and then that Rally's property is just in complete decline. I mean I drove by the Rally's and the Long John Silver's and thought ahh! You know it kind of makes this area look bad and it's those two joints right there. And when I think about fast food, what I often see is that they use the building up and they move on. We just watched the McDonalds that was on Fares use the building up and then move out to 41. It's a conscious decision not to reinvest in the business and to shift that location. And you're right that, you know, the Rally's and the Long John Silver's cater to a low-income crowd that, you know...it does seem that those businesses are struggling. You know when I hear them say they might not renew their lease in two years, when I drive out there I think well, they might renew their lease anyway because it looks like that business is struggling.

Krista Lockyear: But with all due respect, you somewhat make my argument for me as well because if anything else hits the downhill slide in this area it's only going to get worse. And if this daycare comes in and affects...how about how nice the Archer Insurance building is next door? How about the 1.5 million dollars-worth of apartment complex back there and the 1.5 million dollars-worth of office complex back there that are saying to you, "This could very seriously hurt us". Their fear is if they take a step back and start to lose business and have to move, who wants to move into the area if the barking dogs are a problem?

Councilwoman Brinkerhoff-Riley: No, I understand the point but just for playing the devil's advocate, you can't see some of these businesses from the road. This daycare you can see from the road is currently a building in decline and when I think about somebody taking it with the planned improvements they have in mind, it's gonna increase that curb appeal of what you can see when you drive by, because the vet's office is very nice, the Centurion is good, and then you can see this daycare that currently...when I went out there, I thought it...I'm sorry, I thought it was already closed because it does look crappy and when I think about this idea, what I hear is sort of "not in my backyard", I understand. But I'm wondering if the effect of this daycare is really what's expected. It sounds like this is a daycare that's different than anything else we have here in town...or boarding, you know, whatever. I mean understand if you go out to some of these other places, I'm sure it sounds awful but it doesn't sound like this is what they've got. And it sounds like they've done it for seven years someplace else.

Krista Lockyear: And I don't disagree...

Councilwoman Brinkerhoff-Riley: That's all I'm saying. I'm not telling you you're not right. I understand the argument.

Krista Lockyear: And it does, it sounds great...well the barking dogs don't sound so great, so you've got to get beyond that, but the things that, like I said, the technological advances sound wonderful. I did...I mean Goggled the Pet Lodge and yeah, they have some good reviews but they also have some bad reviews. And I hear 'em standing here and saying, "We don't have plans to have an expansion". There're no guarantees there. "We have plans to put this sound-proofing up". "We have plans to do landscaping". We don't have any commitment other than some people from out-of-town, and again, they're probably wonderful people, but they're not

here, sweat equity day-in, day-out, living at this property like my clients are. And my clients request that you please honor their existing businesses and vote no for this rezoning.

Councilman Friend: Hey Krista, one thing. What do the Area Plan Commission, what do they recommend? I didn't see it on here.

Unidentified Speaker: *(Off Mic)* Eight to one.

Councilman Friend: Oh, eight was it.

Krista Lockyear: The recommendation from Area Plan was eight to one, favorable. And with all due respect, my clients both indicated they came in and, you know, felt like they shouldn't have a problem and just maybe weren't quite prepared to present at the Area Plan Commission.

President Robinson: *(Off Mic)* Is there anyone...

Councilman McGinn: Yeah I...hi Krista. Has there been any dialogue between you or your clients and the Pritzkau's

Krista Lockyear: Not to my knowledge.

Councilman McGinn: Okay. Is there anything that would satisfy you and your clients... covenant, commitments, contract, anything that is worth sitting down and talking about?

Krista Lockyear: Well I don't know. I think there's always the fear and I think they would prefer that the Pritzkau's try and find a location that's not going to interfere with their businesses. If there could be absolute guarantees that the dogs barking aren't going to interfere with the businesses, sure. But I don't know how we get there.

Councilman McGinn: Well, I mean, I just wonder if it's worth a talk because when I first started reading this information, I was surprised in that the dogs are inside all but just a few short segments of time during the day. And you know, inside a soundproofed building with outside soundproofed areas and out, you know, for a couple of minutes, I mean it really, like Stephanie said, it's totally different than any dog-boarding facility that I've ever seen and I just really...

You know we all like these things that go really easy, you know, everybody's just happy all of the time. Yeah, that works all the time, doesn't it? You know, if you haven't had an opportunity, it may alleviate a whole lot of concerns by just discussing their soundproofing techniques.

Krista Lockyear: Well, and that...I mean there may be the opportunity for...in a Use Commitment, the assurances that the techniques will be utilized rather than just promises and plans. In addition to...I think we could dial-down a little bit on, I don't know, 30 dogs going out three or four times a day all the way from 7 :00 a.m. to 7:00 p.m. means that there are gonna be dogs outside all the time. Maybe that's worth exploring.

Councilman McGinn: But I mean this is difficult. I mean this is a new business in a declining, ugly, nasty looking building that you see from First Avenue. I mean I used to leave the zoo and go to Harwood School. I know it's really not nice.

Krista Lockyear: But there could be other opportunities for ...

Councilman McGinn: You know if it's voted down, it's killed for a year and we're looking at a new business with new employees who sound like wonderful, wonderful neighbors. I mean, you know, is there...I can't believe no one's talked.

Councilman Adams: I have a small question. There is already a test case here. This veterinary, which I have frequented and I see the dogs walking outside and I don't...it doesn't sound like these dogs come out as a group. It sounds like they come out in small numbers, or singularly, to be...to pee. And I've not heard...I go...I go by there every day; I have to pick up my mail, and we already have a test case here, the veterinary thing, and I don't hear any noise in that thing. I've been inside with the dogs barking in there. My dogs have gone there and when I go outside, I don't hear any barking inside the...we already have a test case of the veterinary thing there.

Krista Lockyear: The veterinary clinic is completely different because when a dog comes out, it's on a leash with a nurse or technician and then goes right back in, and one at a time versus if you've got, again, 30 dogs. And this place is huge; you may end up with 50 dogs. I don't know how many you can pack in there but if you've got that many dogs and they all have to go outside three or four times a day, you're gonna have multiple dogs outside and, again, I couldn't show you the YouTube video, but dog here smells dog over here and then they start barking.

Councilman Adams: I'm not sure I agree with that. I'm not sure I agree with that imagery of 30 dogs out there all the time out there barking. That's not what I hear from these people. Maybe I'm not hearing it right but that's...

Krista Lockyear: But there is no written promise that that won't happen and you guys know, Use Commitments are there to protect neighbors from property damage.

Councilwoman Brinkerhoff-Riley: I think the Pritzkaus maybe...do you have something you'd like to...am I still butchering your name? Am I close?

Michelle Pritzkau: Oh no, that's good. Perfect.

Okay, just some of the concerns and we do understand. We're very sympathetic to them because we do understand and it's like I said, you don't have a facility like this so it's very difficult for you to understand. If it were the case...we don't plan to put 30 dogs out at a time, by the way; we do rotations so there's a...you know, we...there are some dogs that can't let out, just like you were talking about aggressive dogs. They go out one at a time. You do have dogs around. The nice thing about this facility, I told you in the beginning we are going to make some modifications, is we actually have runs that are on various sides of the building. You don't have to put an aggressive dog with a non-aggressive dog. And not all dogs, when they go outside, bark so I'm thinking that...I'm not sure if she has any dogs, but they don't all bark at once. It's not...the little can that she had here was an inside, in a kennel so that's another thing. You have all these hard surfaces that are reflecting sound.

But as far Archer Insurance building goes, there is a road, that is correct, on the backside. That's not their entrance. Their entrance is on the side over by Long John Silver's so I can't imagine

that...and that's right through Long John Silver's drive-thru, which you were talking about with the fan, their entrance is there, not towards the kennel.

Long John Silver's drive-thru is actually on First Avenue, not the back of the building. So when you look at that where Long John Silver's is and our proposed building is, their drive-thru or their entrance is not there, it's on the First Avenue side, so there are no dogs on the front of that. And then there is a parking lot between where Long John Silver's, the back of their building is, and where our privacy fence would be, so there is another buffer.

And then the retail area...from the retail area there are sections where you can see but the insurance building I'm thinking is a two-story building but it's pretty tall, so you can't see directly to that. You can in between those buildings, you can see through the alleyway. But I told you, my...our goal is that when you look through there, you see shrubbery or you see evergreens and then privacy fence. It might take us a year to get that up, but not the privacy fence. We had an excellent deal on privacy fence. We already purchased 90 panels, okay, so that will go up before we even open. We will have the privacy fence; we would not open without that.

And we want to be...we don't want to be good neighbors, we want to be great neighbors so we are more than willing...Donnie actually had a conference-call with one of the gentlemen back here so that was done with...you can tell who that was done with cause I'm not real sure. Mark, our realtor...

But I was already gonna bring up Rally's. It is a mess. There're weeds real tall, there're are boards that already grayed because they've been there for so long so it is...it is really a business that has just really looks a mess and should be torn down in my opinion.

But a...and it's not empty promises. We do have this. We would have been run out of town if we had a place like they're talking about. What's ironic is that picture of the other facility in Evansville is the one they're talking about. It has concrete and has a metal building. There is no buffer. So we totally understand why they're having problems with that business. And we didn't pick it because of that because we didn't even know that was the original building they were talking about.

As far as the dogs all going out, it's not every dog is going out at once; it is done in rotations.

Don Pritzkau: *(Off Mic)* There are normally hours between the rotations.

Michelle Pritzkau: With no dogs out.

Don Pritzkau: You get done at 9:00, you get another one at around lunchtime, 12:00, 12:30, 1:00.

Councilwoman Brinkerhoff-Riley: 7:00 to 9:00, dogs rotate; don't do it again until noon, probably 12:00 to 2:00, dogs rotate.

Don Pritzkau: Uh-huh.

Michelle Pritzkau: The only time there is an exception is if a dog comes in for boarding. We take it outside, we set their room up, we put food bowl, water bowl...if they come in there with their own toys...we put two toys in every room. We put our own bedding in every room so, you know, we set their room up and then they come in.

But it's a very strict regimen. You can talk to any...we have 12 employees. You can talk to anyone of those and they will tell you there is a way to do everything. There's an exact...we have documented procedures for how we do things. Most facilities of this kind don't have but being as we have...we didn't start this until, you know, we were in our 40s so we had all this experience elsewhere to bring to this business.

Don Pritzkau: *(Off Mic)* Factory, manufacturing people.... *(Inaudible)*

Councilwoman Brinkerhoff-Riley: When I look at your pictures, what I hear you saying is that you're absolutely putting up the fence. Are you...and you're absolutely planting the shrubbery.

Michelle Pritzkau: It's purchased.

Councilwoman Brinkerhoff-Riley: No, I understand the fence but what about...when you say it may take a year, are you talking about it may take a year for it to grow?

Don Pritzkau: *(Off Mic)* Well it takes a while for those to come in.

Michelle Pritzkau: To grow.

Don Pritzkau: *(Off Mic)* Yeah.

Councilwoman Brinkerhoff-Riley: But you're not gonna wait a year to plant 'em.

Michelle Pritzkau: No. Absolutely.

Councilwoman Brinkerhoff-Riley: You're gonna...the fence goes up, shrubbery gets planted...

Michelle Pritzkau: We can put that...we have no problem with the *(Inaudible)*.

Don Pritzkau: *(Off Mic)* Well if we close, it's gonna be winter...I don't know *(Inaudible)* but yeah, as soon as possible. I don't know what the local climate supports. I would like to point out...the young lady pointed out that a dog, she's found a dog at a hundred decibels...a lawnmower, a quick little search, is 107 decibels and I can't guarantee that you're never gonna hear a lawnmower in your business. So, heavy traffic runs 80 to 90 decibels, and that's all day long.

President Robinson: Okay. Okay thank you, *(Inaudible)*

Councilman Adams: Hold on. Hold on a second, one more thing. When I go to get my mail everyday right by this thing, how many dogs am I gonna see?

Don Pritzkau: You won't...you won't see any. They'll be behind a privacy fence and the shrub, you know, the....

Councilman Adams: Thank you.

Michelle Pritzkau: Were you able to see the picture that shows what...we currently have a wood privacy fence so this is gonna look much nicer than what we have in Hopkinsville, which we love our facility but yeah, you can't see 'em right now.

Don Pritzkau: I'd also like to point out, I think the sixth page in is a letter from the lady that owns a business next door. She's been there...she was there before we opened and she wrote us a reference letter and, I mean, you're welcome to read it.

Michelle Pritzkau: And they're about 30 feet from our building.

Don Pritzkau: Thirty feet.

Michelle Pritzkau: We share a parking lot.

President Robinson: Thank you. Krystal, did you have anything else to say.

Jim Kratochvil: Hi, my name is Jim Kratochvil and I own Archer Insurance and I'll be brief. Basically I wanted to clarify a couple of things. My building is on First Avenue, 2603 N. First Avenue but my entrance to my building is in that alleyway. It is not connected in any way, shape or form to Long John Silver's. There is actually a foot and a half tall concrete barrier between our two parking lots, Long John Silver's. So every time a customer comes in and leaves my building, they will be facing that...the doggie daycare, the back of it. So that's a concern.

Also, I have a second floor to my building. So I don't know how tall these fast-growing cypresses get but it's very hard to rent a piece of property when all the sound that misses you, you know, on the first level, hits you on the second.

So, I mean there is a strong pride of ownership with my building and how I take care of it and my office actually faces the daycare. Every day I look out and I see the kids and every day I...I mean it's enjoyable, it's not bad at all, and there is no, you know six-foot tall, PVC fence blocking the noise. There's officials out there ask them when they get a little rowdy to quiet down and they listen. I can't get my two-year old to listen to me but they can get these kids to listen to 'em.

So my biggest concern is obviously the noise. I have customers that are...I would say a lot of things can make them nervous, okay, a lot of things; a big barking dog. A big barking dog is 100 decibels. You know, if they have 30 dogs and the shifts are ever two...you know two hours, you know, three times a day. That's seven dogs outside at a time. Now I mean I know you can put a big dog here and a small dog here but at the end of the day, seven dogs outside at 100 decibel a dog is a lot.

You know, I have animals. I know that they bark; they hear a noise, they bark, they see something, they bark, they smell something, they bark so it's a big concern for me. You know, we've been in business there for a long time and we, you know, feel like we're good for that area and we want to, you know, stay in business and stay there and that is reliant on our customers being happy and feeling good about where we are at and making it easy for them to come in. It's

very easy for a customer already in this day and age to switch their insurance. For me to keep my business and my customers happy, it has to be a, you know, it has to perpetuate that feeling, so...those are my biggest concerns.

I really appreciate you guys, you know, listening to us and, like I said, I'm from Evansville; I live on the westside of Evansville. I drive that road every single day, multiple, multiple times. I venture to guess I drive it more than anyone of you because I drive it all of the time and it's a big time concern for me. So thank you very much.

President Robinson: Thank you.

Councilwoman Brinkerhoff-Riley: Can you point out which one is your building in this...

Jim Kratochvil: You're on it right now and if you slide...

Councilwoman Brinkerhoff-Riley: Okay, that's it?

Jim Kratochvil: Yeah.

Councilwoman Brinkerhoff-Riley: I guess I was thinking that was the bank for some reason.

Jim Kratochvil: No the bank is actually on the other side of Long John Silver's. Something else I'd like to ask too, just briefly. I've heard you guys, a number of you, say that building, the daycare is dilapidated and the daycare looks really rundown and the daycare is really rough and looks out of business. I stare at that building every day, okay, every single day I look up and I see it. And they put a building on this dilapidated...or a new roof on this dilapidated building and they cut the grass. And I know there's not much grass because you have 40 children that stomp it to dirt. But they do a good job and that building, you know as far rundown, that building is not that bad. That building is not falling in and condemnable. So I mean I don't...I keep hearing how dilapidated the building is and how bad it looks. I see it every day and I feel like my building is pretty good and I have a pretty strong pride of ownership with mine and their building doesn't look that bad either.

Councilwoman Brinkerhoff-Riley: You know I think it's in decline. When I drove out there and looked at it, it looked like it wasn't being maintained. I actually didn't realize it was still operating as a business. I agree with you. It is not anywhere near condemned but in terms of the doors needing replaced and the fence being rusted and there being no landscaping, and sort of the grown-up around the edges the building, I actually thought it was not an operating daycare. I just thought it was closed, maybe hadn't been closed very long, but when I drove by there I thought man, this is a year or two...but it's been a while since somebody reinvested in this building in terms of painting, trim, those kinds of things. But I agree with you. I mean, I am not... it is not being condemned.

Jim Kratochvil: Yeah, I was going to say, at the end of the day, I mean, 40 kids, it's hard to keep the paint looking fresh but I mean as far as the outside of the building, I mean the new roof, it's well maintained. So, thank you.

President Robinson: *(Off Mic)* Okay, is there a motion to adopt Ordinance R-2013-14?

Councilman Lindsey moved and Councilman O'Daniel seconded the motion to adopt Ordinance R-2013-14 and call the roll.

ROLL CALL

Ayes: McGinn, Mosby, Brinkerhoff-Riley, Friend, Lindsey, Adams, O'Daniel, Weaver, Robinson

President Robinson: There being nine (9) Ayes and zero (0) Nays, Ordinance R-2013-14 is hereby declared adopted.

CONSENT AGENDA

SECOND READING OF ORDINANCES AND RESOLUTIONS

ORDINANCE G-2013-14 FINANCE FRIEND

An Ordinance of the Evansville Common Council authorizing the City of Evansville, Indiana, to issue one or more series of its "Economic Development Revenue Bonds, Series 2013 (Downtown Convention Hotel Project)", in an agreement principal amount not to exceed \$38,500,000, and approving and authorizing other actions in respect thereto

ORDINANCE G-2013-15 PUBLIC WORKS O'DANIEL

An Ordinance to vacate a portion of unimproved Arcadian Hwy. and a sanitary sewer easement and right-of-way to the City of Evansville Water and Sewer Utility Department, Doc. No. 2012R-00013039, within the City of Evansville, Indiana

COMMITTEE REPORTS:

FINANCE COMMITTEE:

CHAIRMAN FRIEND

Chairman Friend: Yes Madam President, your Finance Committee met this evening to hear Ordinance G-2013-14 was held in committee.

PUBLIC WORKS COMMITTEE:

CHAIRMAN O'DANIEL

Chairman O'Daniel: Madam President, your Public Works Committee met this evening to hear Ordinance G-2013-15 and it comes forward with a do-pass recommendation.

President Robinson: Thank you. Can I have a motion to adopt the Committee Reports?

Councilman Adams moved and Councilman Friend seconded the motion to adopt the Committee Reports and move Ordinance G-2013-15 to Third Reading. Voice vote. So ordered.

REGULAR AGENDA

THIRD READING OF ORDINANCES AND RESOLUTIONS

ORDINANCE G-2013-15 PUBLIC WORKS O'DANIEL

An Ordinance to vacate a portion of unimproved Arcadian Hwy. and a sanitary sewer easement and right-of-way to the City of Evansville Water and Sewer Utility Department, Doc. No. 2012R-00013039, within the City of Evansville, Indiana

President Robinson: Is there a motion to adopt Ordinance G-2013-15 and call the roll?

Councilwoman Mosby moved and Councilman Friend seconded the motion to adopt Ordinance G-2013-15 and call the roll.

ROLL CALL

Ayes: McGinn, Mosby, Brinkerhoff-Riley, Friend, Lindsey, Adams, O'Daniel, Weaver, Robinson

President Robinson: There being nine (9) Ayes and zero (0) Nays, Ordinance G-2013-15 is hereby declared adopted.

RESOLUTION DOCKET

RESOLUTION C-2013-20 (DOCKET)

COUNCIL AS A WHOLE

A Resolution of the Common Council of the City of Evansville, Indiana requesting the administration to compensate Tim Klenck Demolition, LLC certain monies for work performed

President Robinson: I will let the City Council Attorney address this, however, we all remember a representative from Klenck coming before us, stating that they had not been paid.

City Council Attorney Danks: And I apologize. How would you like for me to address it?

President Robinson: You just might...

City Council Attorney Danks: You just want me to read it?

President Robinson: Just to read it so the people in the audience will know.

City Council Attorney Danks: Certainly.

A Resolution of the Common Council of the City of Evansville, Indiana requesting the Administration to compensate Tim Klenck Demolition, LLC certain monies for work performed. Whereas the City of Evansville, Indiana received good and valuable services from Tim Klenck Demolition LLC, including but not limited to, the demolition of the Executive Inn Hotel and parking garage, cleanup of debris, backfilling the basement of hotel with rock and fill, provide protection for transformers and skywalk and provide these services on an expedited schedule. Whereas Tim Klenck Demolition, LLC is owed the sum of \$355,042 for having performing said good and valuable services. Whereas Tim Klenck Demolition, LLC is a fine corporate citizen of the City of Evansville, Indiana and continues to perform exemplary work for the City of Evansville Indiana. Whereas the Common Council of the City of Evansville hereby recognizes that Tim Klenck Demolition LLC should be paid for the work performed in the amount of \$355,042.

Now there for it be it resolved by the Common Council of the City of Evansville, Indiana that Tim Klenck Demolition, LLC is owed the sum of \$355.042 for good and valuable services provided to the City of Evansville, Indiana and the Common Council requests that said sum be paid by the City of Evansville, Indiana.

President Robinson: Okay. Thank you. Is there any comments or any questions from any Councilmember?

Is there a motion to adopt Resolution C-2013-20 and call the roll.

Councilwoman Mosby moved and Councilman Friend seconded the motion to adopt Resolution C-2013-20 and call the roll.

ROLL CALL

Ayes: McGinn, Mosby, Brinkerhoff-Riley, Friend, Lindsey, Adams, O'Daniel, Weaver, Robinson

President Robinson: There being nine (9) Ayes and zero (0) Nays, Resolution C-2013-20 is hereby declared adopted. Good luck Mr. Klenck.

MISCELLANEOUS BUSINESS

There will not be a City Council Meeting next Monday, September 16, 2013. The next meeting of the Common Council will be Monday, September 23, 2013. Committee meetings will begin at 5:00 p.m. on September 23, 2013

1. Shance Sizemore with GAGE: Tax Phase-In Compliance Reports

Is there a motion to accept the Tax Phase-In Compliance Reports?

Councilman Adams moved and Councilman O'Daniel seconded the motion to accept the Tax Phase-In Compliance Reports. Voice vote. So ordered.

2. Board Appointments: Haynie's Corner Art District Advisory Commission

We have a board appointment for Haynie's Corner Art District Advisory Commission for the remainder of the term ending 12-31-13. Brian Bennett, owner of Penny Lane Coffee Shop, he was here but he left. Can I have motion to appoint him?

Councilman O'Daniel moved and Councilwoman Brinkerhoff-Riley seconded the motion to appoint Brian Bennett to the Haynie's Corner Art District Advisory Commission. Voice vote. So ordered.

2. Crowe Horwath

Councilman Brinkerhoff-Riley: I got the motion on Crowe.

President Robinson: Okay, go right ahead

Councilman Brinkerhoff-Riley: I would make a motion to engage the accounting firm of Crowe Horwath to perform various duties as assigned by the Common Council of Evansville related to the proposed downtown hotel bond request, contained in Ordinance G-2013-14.

President Robinson: Okay. Is there any questions or is there a second?

Councilman Lindsey: Second.

President Robinson: Councilwoman Brinkerhoff-Riley...

Councilman Weaver: Is this in writing anywhere what they're going to be doing?

President Robinson: We are waiting to receive a Letter of Engagement, which will have the scope of responsibilities.

Councilman Brinkerhoff-Riley: I think the Administration and the Council tentatively agreed on the scope but I understand Mr. Ziemer was on the phone today and the scope letter is...we are still waiting on it. That's why though that there aren't specific duties laid out in the motion cause we don't really have it in writing yet, although I think we have a tentative agreement as to that work.

Councilman O'Daniel: And is...I know there was a meeting last week...

Councilman Brinkerhoff-Riley: Wednesday.

Councilman O'Daniel:...or at least conference call with the attorneys and several Councilmembers. Does Crowe Horwath...do they have all the information they need to do what will be asked of them?

President Robinson: We...

Councilman O'Daniel: *(Inaudible)* Mr. Danks, I mean...

City Council Attorney Danks: *(Inaudible)* they're in the process of gathering the information that they need to conduct the evaluations that are anticipated but I don't believe that they have received all the information at this point.

But I...it's my understanding that they're receiving...

Corporate Counsel Ziemer: I don't think they've received any of the information. There will be an engagement letter, then there will be a confidentiality agreement, and no information is going to be exchanged until those are signed. We are expecting draft agreements will be coming in here, hopefully in the morning, but I don't know that for sure but they're working on them.

Councilman O'Daniel: Will they then be communicating with Corporate Council, the Mayor's office or will they be communicating with... *(Inaudible)*.

Corporate Counsel Ziemer: They will be communicating with HCW...

Councilman O'Daniel: Directly?

City Attorney Ziemer:...which is the entity to provide the information.

President Robinson: My understanding is the report will come directly to Council...

Corporate Counsel Ziemer: It will.

President Robinson:...and then we will forward the report to the Administration.

Corporate Counsel Ziemer: Yes, yes Maam.

Councilman Brinkerhoff-Riley: And I think it was also the idea of the conference call was that there didn't seem to be an issue with Crowe starting right away and that idea that it can be done rather quickly is contingent on HCW, you know, submitting the materials...

Corporate Counsel Ziemer: Quickly.

Councilman Brinkerhoff-Riley:...to Crowe, yes, and then Ted has already assured us that they're willing to do that. We're just kind of stumbling here on the confidentiality agreement and getting Crowe to produce it and send it out to us.

President Robinson: But I've expressed to the Administration, and when we do receive...I'll have to sign that letter of engagement but I would want my Finance Chairman, John Friend, to look at it and look at the scope of work that we're requesting.

Corporate Counsel Ziemer: Certainly.

Councilwoman Mosby: Do we have an idea of how much this might cost?

President Robinson: No.

Councilwoman Mosby: No.

President Robinson: No we don't (*Inaudible*).

Councilman O'Daniel: Less than 38 million dollars.

City Council Attorney Danks: Mr. Ziemer, do you know what the hold-up is? I thought we were gonna have these documents last Friday.

Corporate Counsel Ziemer: No, no. I thought we were as well and I don't know.

President Robinson: Cause I was under the impression that I would have had the letter to sign by...at the end of last week after we had a conference call.

Corporate Counsel Ziemer: It hasn't arrived yet Madam President.

Councilman Adams: But you know we really don't have to discuss this hotel until Thanksgiving if we want to delay it enough, if they don't want to give the information.

City Council Attorney Danks: No, that...

Councilman Brinkerhoff-Riley: I don't think that's the issue at all. I think Mr. Ziemer was on the conference call when we started tentatively discussing what Crowe would

require. I mean Mr. Ziemer was right away saying, "Look, that's fine. We'll do it". But the idea is we've got to have these couple of documents in place to get started.

Corporate Counsel Ziemer: It's actually Crowe Horwath is raising various questions about the handling of the assignment and the confidentiality agreement and since they are a party to both documents, Dr. Adams, we have to wait until they send us something that could be signed by Madam President.

Councilman O'Daniel: Right.

Councilman Adams: Terrific.

President Robinson: Okay. Is there any other questions?

Councilman O'Daniel: Do we need a motion to vote?

Councilman Brinkerhoff-Riley: I made the motion.

President Robinson: Yeah, Councilwoman Riley moved, and who seconded the motion?

(Inaudible)

President Robinson: Councilman Lindsey seconded the motion to engage Crowe for the vetting process of HCW. Voice vote. *(Councilman Weaver only vote in opposition)* The ayes win. Thank you.

Okay, so Mr. Ziemer, hopefully I will get a copy of that in a couple days and I'll get it to...

Corporate Counsel Ziemer: Actually what I intend to do is to forward to the...actually it'll be forwarded by Crowe to the attorney for the City Council.

President Robinson: Okay, thank you.

3. President Robinson: Bill Frost.

Bill Frost: Yes, my name is Bill Frost, 3700 Graff Road, Evansville and I'm here...last year I came up with the idea, along with Dan Adurski from the radio station. He has a sports show. And I wanted to have an Evansville, Indiana day at Bush Stadium. And since we have a lot of Cardinal fans here, that seemed to go well. Last year we had about 750 to go over and I did that...we did that in about five weeks. And so I kept hearing some other Cub fans saying that they would like to go over there when the Cubs play so when they put out the schedule in March, I started...I called the Cardinals and we started the process and so we decided that this year we were gonna go on the very last day of the season and that's when they are playing the Cubs and even the Mayor said, "How did we get the Cubs - Cardinal game the last day of the year?" Well I started working on it in March.

We ordered tickets and right now we've only got, as far as I can guess, we got around 95 to 100 tickets left and we had 1200 so we're gonna have between 1200...we're trying to get 200 more if we can get 'em. It's sold out already. I'm trying to get a couple hundred because I've had people to call me every day saying, "Hey", they want to go and they were just waiting you know and I said, "Well, you waited too late".

Well we are gonna take...Evansville, Indiana is gonna be on the scoreboard again. I even talked...I was there yesterday and I talked to the gentleman that runs for the Cardinals, that goes around to the fans and everything, he's gonna come over to our section recognize Evansville, Indiana.

Ladies and gentlemen, I'm just trying to help do some really positive things for Evansville and this past June we had the...I helped with the entertainment and so forth for our nationwide tour at Victoria National and so I'm just trying to do stuff to help Evansville and positive things. The TV stations agreed to go over again. They went over last year and did a story on it. Last year I didn't have anybody from the Council or City to go over there and the Cardinals asked me, "Is there anybody here from the City?", so Council President Robinson is going to throw out the first pitch this year.

Applause

And so some of you other guys need to maybe do a little bit of coaching...

President Robinson: A lot.

Bill Frost:...and a little bit of training because we're gonna have a great time over there, like I said. And then this is going to be an annual event. We've already decided this is gonna be an annual event. We got some great prizes that we're giving away. Anybody that buys a ticket is eligible for great prizes. The Cardinals have got like, example, they got a set of replica World Series rings and there is 11 of 'em in a case and we are giving that away as one of the things and its great. I mean it's great. There are replica World Series tickets from...all the way from 1926 to 2011. We're also giving...some people get to go down on the field for the first pitch. Some people get to go up and visit the broadcast booth, the TV broadcast booth and meet Al Hraboski. In fact, the Mayor just did that a couple weeks ago and Al really treated him really nice and we had a great time and I just want to make sure that you guys understand that we're gonna have a great time. We're gonna do it from now on. We're gonna make it an annual event and we had nothing but great comments from it and I just hope we can continue and I'd like to invite all the Councilmembers to join us.

President Robinson: Thank you.

Bill Frost: Thank you very much and by the way, I wouldn't have you guys job for anything in the world.

Many Councilmembers thanking Mr. Frost his work in organizing Evansville, Indiana day at Bush Stadium.

President Robinson: What time does this game start anyway.

Bill Frost: Oh, I'm sorry. 1:15 game starts and...

Councilman Brinkerhoff-Riley: What day is it?

Bill Frost:...you need to really be over there about an hour or so early. You need to be there a couple hours early because I think they have the first pitch ceremony about an hour and a half before the thing and so you just need to be over there and we're gonna have a great time I mean and we've got great seats. We're between...

Councilman Brinkerhoff-Riley: What's the date?

Bill Frost:...our section is between home plate and right field so we got a great view. And like I said, I was over there yesterday and we just had a great time so it...Dan Adurski is gonna be...we're giving away those prizes this week so really you got till Thursday to buy your tickets.

And by the way, Banterra Bank, you can buy 'em at Banterra Bank. It's the only place you can buy 'em. And then they're also...the Cardinals wanted to make sure that they helped a charity out, as far as ticket sales, and so the money, this year again, is going to the Dream Center, the money...part of the money that's raised is going to the Dream Center.

Councilman Brinkerhoff-Riley: And so this is a game on what date?

Bill Frost: September 29, that is a Sunday.

Councilman Brinkerhoff-Riley: And if people want to go, they can buy tickets up to this Thursday at Banterra Bank.

Bill Frost: Yeah well they can buy tickets all the way up until we run out but as far as being involved in the drawing for the prizes, you have to do it before the 12th. The cost is \$25.00 for the ticket and what they get for that \$25.00, they get to go to that game, they get a free hotdog and a free drink at the game, and they get a voucher for a game for the 2014 season. So they get two games, a hotdog and a drink for 25 bucks, and you help a charity.

President Robison, you need to...

President Robinson: My pastor asked me how am I going on a Sunday. I'll leave my tithes.

Bill Frost:...so you need to practice-up and one of the Cardinal pitchers will be your catcher and you'll get your picture with them and everything. In fact, last year the gentleman that threw out the first pitch, Miller, was the guy that caught it and he's one of the top pitchers...and if you go the 29th, you're also gonna see the World Champion Cardinals of 2012...or 13, I'm sorry.

President Robinson: Okay, thanks. Mr. Frost, can you give a me call tomorrow? You have my...give me a call tomorrow.

Bill Frost: I will.

President Robinson: Okay, thanks.

Bill Frost: Thank you.

5. 911 Gives Hope – Patrick Phernetton

President Robinson: Okay next, 911 Gives Hope. State your name and your address please.

Patrick Phernetton: Patrick Phernetton. My address is 3444 Zoar Church Road, Elberfeld, Indiana.

President Robinson: Elberfeld, Indiana? Okay.

Patrick Phernetton: Thanks for letting us talk to you tonight. I'm an Evansville City police officer but I'm here tonight as the president of 911 Gives Hope. I need to thank many of you for your support over the years. Councilman Lindsey helped us build our gym. Doc Adams is always there to support us and Councilman Weaver...I don't think I've ever had an event where I haven't seen Missy Mosby at it so bless you for that.

The reason we're here is because we felt like two weeks ago, we were under a little bit of attack. Chief Bolin brought up 911 Gives Hope of an example of the many good things that we do for the community and a comment was made by Councilman O'Daniel, something to the effect of 911 Gives Hope raises a lot of money but we don't know where the money but we don't know where the money goes or who knows where the money goes. And sir, I don't know what you meant by the comment. It may have...it may have come from a good place.

Councilman O'Daniel: *(Off Mic)* it's really not what I said. And I've heard about this and so I asked them to print this up and we were just talking about Guns & Hoses, 911, and it was about officers getting back involved, all the way to the street level, talking largely about the Center City problems. I don't know if it was misinterpreted or not, it certainly was not intended in that way.

Patrick Phernetton: And I don't doubt you, I don't. But in the world of charities, perception is everything. I mean an example of that was two Monday nights ago, for 90 minutes people spoke of their perception of how they were treated by the police. Same thing with a charity; a negative perception can be so damaging. At first when I heard it I thought it was me. I thought okay, you're overly sensitive about this but my phone lit up, my email went crazy. And if it can be perceived as negative, then we felt like it had to be addressed. I felt like it was important to explain, or bring to everybody's attention what 911 Gives Hope is; what it isn't, because it was started out of family.

My daughter Mickey has a very rare disease. Every time I talk about it in front of somebody new, it touches me, but that's what started it. And that family grew to the people you see out here wearing the shirts that are police officers, firemen, and medics that became part of 911 Gives Hope. We had such success that it became bigger than our family, bigger than the eventual...the reason it started is for the eventual building of a group hope for people with this syndrome, cause there isn't any. And we had such great success that we just felt like we could do more to help more people so unlike any charity that I'm aware of, we decided we were going to take half of the money that we raise and give it away to other folks. We do a toy drive every Christmas for which we spent many hours. We spend from Friday morning until Sunday night, non-stop, 24/7, eastside Wal-Mart, and collecting toys that we give to the local children's hospitals, to the children's wards. You know that disease knows no bounds. It doesn't know social class, it doesn't know race. It just attacks. We don't ask any of those questions when we give to those people.

911 Gives Hope is not political. It's not Chief Bolin. Billy has been a big part of 911 Gives Hope for years but it's not him; it's not about him. It's about all of these folks that you see behind us. We would ask some of the kids to come here that we've helped but I felt like their lives are difficult enough than to sit through what you all have sit through on a Council night. *(Laughter)*

Another comment was made shortly after about the fee that we pay for the stadium, and you and I, Councilman Friend, had a very good discussion about that and I appreciate that, but it did become public so I felt the need to address it. Not only do I think that we pay too much for the Center, but I would ask your help in correcting that problem. We paid \$17,000 for the use of the Center. We got 0%...

Councilwoman Brinkerhoff-Riley: You mean Ford Center.

Patrick Phernetton: For the Ford Center, \$17,000. We got zero from the concessions, not one penny. I have heard numbers as high as \$40,000 was made just off beverages alone so they didn't lose money on us. I guarantee you they did not lose money on us.

When we got our quote back from them the first year, it was several thousand dollars higher than quoted so after trying to resolve, not being able to, we asked the Mayor for help and he stepped in. Mayor Weinzapfel did the same thing in his administration at Roberts Stadium. Without them we would have...there's so many people that we would not have been able to help so I submit to you that not only everybody that goes there, there are folks from many organizations here that use the stadium and I submit to you that everybody has to negotiate their own deal with them, but I guess I would ask for your help, along with the Mayor's to...the more...nobody at 911 Gives Hope receives a penny, not a stipend, anything. As the president, I get nothing. These fighters that risk their health in the ring get zero. Every bit of it, less the cost of putting on the event, goes back into the community. It goes back to the kids. Anybody with special needs or a children's charity, we give to. We've given to over 60 different organizations in one year. I have some numbers here. These are by not any means an accounting but they're a listing of the places we given money to over the last three or four years. We are closing in on a half a million dollars that we've given away.

So I get...I ask for your help. I ask for your help to support us. I ask for your help to promote us. I ask for your help to make us so we can operate at the lowest possible costs so we can give more away, and to make right any wrongs that have been done. Again sir, I don't doubt your heart, it's just it could be perceived in a negative light and we had to fix it.

I think there are a couple of folks that would like to say something else. Thanks a lot.

Councilman O'Daniel: I appreciate you trying to set the record straight. I mean I, again, to reiterate, it was not in any way intended in that way at all. It was simply how do we...cause it was all based upon the conversation on race in our center city and it's how do we reach out and promote all of our charities, not just 911 Gives Hope or Guns & Hoses, but it's you know, Shop with a Cop and (*Inaudible*) and those sort of things.

Patrick Phernetton: Right. And I think what makes us unique is we give money to all of those. And as far as transparency goes, we have a press conference every time we give the money away. I don't know what else we could do short of dropping leaflets in the neighborhoods saying what we do cause we have a press conference to give away every bit of it every year.

(*Applause*)

President Robinson: Your name and address sir.

Gary Jossa: Yes, Gary Jossa, 4630 Bayard Park Drive. I didn't even know about this meeting until about 4:00 this afternoon and I also have a little rough voice so kind of bear with me.

I'm just here to support 911. They've been very good to the Dream Center and other organizations as well and we're blessed to have them. We received a check this year for \$5,000 and it's important. That organization is tremendously important.

I guess that I'm frustrated and saddened by, you know, what took place a few weeks ago.

I met these guys a few years ago and began working with them. They've been helping us but maybe you've heard of Choose Not to Lose. That's the seven Jeeps that are out at all the schools. Well that started with a lunch with Billy Bolin and a couple of other police officers and myself and Larry Bennett, who is a client of mine. I shared...Billy shared a concept of helping the schools, and specifically, helping troubled kids, and he said, "I've got an idea", and ran it by me. I said let me get with Larry. To make a long story short, and I know it's been a long night and I'll try to be as brief as possible, but Larry invested \$200,000 in seven Jeeps to fulfill the dream that Billy had. This man, this police department, really cares about our community in a big way, in a BIG way. If you'd have been to camps this summer, kids of all color, of all just persuasions were there, all being loved, all being helped. We have a police cooking team that comes every month to the Dream Center. They buy the food, the cook the food, they serve the food, and they love the kids.

I only wish...we've got a great community but I only wish that we could come together in more love. You know, I pulled a statistic. It took some time to get it but you know there were two...excuse me, there were 24,700 police incidents between January 1 and July 31. There are only 37 complaints, 37. Twenty-seven were white and ten were black. So folks, we've gotta come together. One or two incidents is crazy. We can't blow 'em out of proportion.

I'm sorry if I'm off balance but my heart is with this city. I've lived here all my life. I ran a business for 35 years; I sold it last year. I have another business, Evansville Sports Programming.

I personally started with one boy, 18 years ago, and today the Dream Center serves over 900 kids a month. We feed 25,000 meals a year with 18 volunteer cooking teams. I love this city but folks, we've got to come together, black, white, Hispanic. We can't blow things out of proportion and unfortunately two weeks ago...Billy's heart is with this city and he is colorblind folks. He is colorblind. He loves all people.

Any questions? I'm sorry if I took too long.

Councilwoman Brinkerhoff-Riley: Mr. Jossa?

Gary Jossa: Yes.

Councilwoman Brinkerhoff-Riley: I just want to give you a plug. Three years ago, Brian Turpin, Evansville Police Department, and I organized the first Dream Center Gala and we won that first event at the Ford Center arena. October 5th is the third annual Night of Dreams Gala. It is...I think...I know I have a table at your event. Dr. Adams is going and Conor O'Daniel has also...we are buying a table.

Gary Jossa: Thank you.

Councilwoman Brinkerhoff-Riley: And City Council has started, especially since I ran and you were so helpful to me back in 2011...the Dream Center I believe now sits in the Sixth Ward because of the reorganization that took effect January 1 of this year but it's a fantastic organization. I think you've done great things with your kids. I've attended church with you. I've seen what happens through the Dream Center. What I would ask...the only thing I would suggest that you do differently is come to us for some grant money cause you never do.

Gary Jossa: I'm sorry, repeat that. Did you say something about money?

(Laughter)

Councilwoman Brinkerhoff-Riley: Come to the City for grant money. We've been through the process this year and I just...I was surprised the first couple of years that I just don't see you there. It's a fantastic organization. We support the Y, YW, YM. You do a fantastic program for kids that don't have access to those facilities because they're geographically isolated in the Third and the Sixth Wards. And so I'm just super impressed with the Dream Center. Several of us will see you October 5th at that event and

I would...anybody would suggest that you contribute and come out there because the Dream Center does things, and right now you do it on private donations primarily.

Gary Jossa: Grants, private donations...our budget, cash budget, is about \$350,000. In Kind is about \$150,000 but we've got...we're about 55% white, about forty some percent African American and a few Hispanic, and if I wasn't politically correct, I'm sorry if I didn't say it exactly right but you know, we want kids of all...that just need help. We love all kids and the police department has been extremely helpful to us, extremely helpful. I just...we've got a great city; we can make it better.

Councilwoman Brinkerhoff-Riley: Thank you for coming out.

President Robinson: Thank you. Is there anyone else?

(Applause)

Eric Hornish: Hello, my name is Eric Hornish, 3694 Jason Avenue in Henderson, Kentucky. I just wanted to get up here tonight in, just in support of my friends at 911 Gives Hope. I'm a radio guy, I'm not a cop, I'm not a firefighter, I don't work in emergency but we are media sponsors at Townsquare Media of 911 Gives Hope so for the last five years that I've been there, that's how I got involved as part of my job. We do the toy drive, as he mentioned, the first weekend in December. Yes, I'm required to be a part of it but now I stay longer because I want to. I see the good work that's done. The toys that we collect, we fill a truck with. They money that we get, I've actually helped take inside of Wal-Mart and buy more toys that go in the truck, so I can guarantee you, I know they're going to a good place.

I've also, over the last couple of years, outside of work, decided that I wanted to volunteer personally with 911 Gives Hope because I love what these guys do. And then it all kind of came together in February this year because after all the work that we have done with Townsquare Media working with guys, my son, who was 11 months old at the time, was already in need of open-heart surgery. We knew that was coming. Because of that, every other disease he got made him sicker than he would normally be. So we went to Methodist Hospital in Henderson, he had to stay there overnight. Less than five minutes after being taken into the room, the nurse came in with this and said, "This is from some very nice firefighters and police officers and emergency workers". I said I know 'em, very familiar with them. Thank you very much", and this is his choo-choo train that he loves and I'd better take it home cause he's gonna miss it.

Thank you.

President Robinson: Thank you.

(Applause)

President Robinson: Is there...

Daren Harmon: My name is Daren Harmon and I live at 5200 W. Mill Road here in Evansville. I work for the Sheriff's Department by profession but by the luck of the draw

I am the one that does all the books for Guns & Hoses and 911 Gives Hope. If you look at our statistics, you'll see that we have been giving away more money every year as we go. This year we are on record to be around \$125,000 to \$130,000 that we will supplement the actual income here for underprivileged kids, or actually, children who are sick.

I have a question for you guys. You guys all represent your wards. If you guys know of a child in need or you have a church group that needs to be talked to or you have, you know, something that bears heavy on your heart...you need a City park repainted but you can't find the funds. Do not be afraid to come to us and ask. Now that we have learned that you guys can help us out with the Ford Center, trust me, when it comes time to deal with them again, because I've sat across the table and it's not so pretty sometimes, you will be getting your door knocked on from us. But we in turn hope that you would volunteer to come out to the toy drive with us and just see what we're all about, get to know us. Get to know some of the people when we deliver the toys to the hospitals and see how the nurses' faces light up. The Evansville Psychiatric Center, they get basically zero budget but we buy them iPads, we buy them video games for the kids to be rewarded for good behavior. See how it actually pays forward in your community.

But please use to the best that you can use us so that we don't have issues, so that we can break down the barriers because I work with kids every day and, you know, when I think about some of these things that these kids go through that see, it makes me want to cry and I want to go home and I just want to bawl, but what I do is I call my friends who are on this board with me and we knuckle-down and we figure out a way to raise money in order to help some of these kids. We all have a great dream. Please, you guys, in your community and in your wards, let us help you and then that way we can become a better community together.

Thank you.

(Applause)

Councilwoman Brinkerhoff-Riley: I...sir...

Daren Harmon: Yes ma'am.

Councilwoman Brinkerhoff-Riley: There have been a lot of personal things said as you've have shared some of the ways that you've got involved in 911 Gives Hope. I don't re...you know, I don't have children that require financial assistance but as the parent of two autistic children, I'd be okay if we...if the City would waive your fee at the arena. *(Applause)* You know, I have no problem with that.

(Applause)

Daren Harmon: Well, you know...

Councilwoman Brinkerhoff-Riley: You know they're keeping the Food and Beverage...I mean they're keeping the Food and Beverage. We're paying the employees that are there, taking the tickets and running the facility. It's sounds like they're recouping

enough on beverages and concessions to cover our expenses and if we can, I don't know why they wouldn't let you have it.

Daren Harmon: You know that's definitely something that, you know, with Mr. Friend and everything, we're going to talk about. You know, if that were to work, you could take that \$16,000 and what else could we do. One of the things that we do every Christmas, that I would invite you guys to come to our toy drive and spend a little bit of time and see the trailer fill up. We actually pick one kid specially, and it's always referred to by a cancer patient's parents, who we have done the year before. And we get referrals in for kids who are terminally ill and what we do is we call the parents and we say, "What can we buy you for Christmas?", and they go, "Well, he kind of really likes this". And our next question is, "No. I want his whole Christmas list. Does he have any brothers and sisters?" "Yes he's got a sister". Our little boy last year had a sister and I get goose bumps every time that I talk about it because it just...you just don't understand until you've seen it. So we took everything that they wanted as a family. We took it to them. We put Santa Claus in a fire truck, we pulled up in front of the house with the lights and siren on, policemen get out of their actual squad cars, Santa rolls out of the fire truck, the little kids get to come up on Santa's lap and the family is there. We share a time where we are giving back to the community. I would invite one of you guys because I can't invite all of you to go with us because we kind of inundate a family when we go in. But I would love for every year for somebody new from the City Council to go with us and experience that because I've done it for the last three years, which is the most precious thing that I hold dear in Christmas, other than when my daughter was about two or three and she would wake up looking for Santa. When you can see a little bald headed kid with cancer who possibly could die, crawl up on Santa's lap and see the excitement in his face, knowing the things that he has faced, and give him a kiss on the cheek, and Santa leaning over and telling him that he loves him, that's why we do what we do. And you guys, if one of you guys want to come this year, you guys talk it amongst yourselves, you are more than welcome to come and experience the joy that we love giving back to people in our community because, just like you guys sitting here, we love 'em too. And that's what we're here for is to help you guys, you guys help us, and we'll make this a better community together. Thank you.

(Applause)

President Robinson: Anyone else?

COMMITTEE REPORTS:

FINANCE COMMITTEE:

Re: Ordinance F-2013-14

Date: September 23, 2013

Time: 5:00 p.m.

Notify: Allen Mounts/Ted Ziemer

Re: Ordinance F-2013-13

Date: September 23, 2013

Time: 5:10 p.m.

2014

Notify: Philip Hooper (DMD)

CHAIRMAN JOHN FRIEND

Approving the amended sewer rates

Approving the Community Development Block Grant, Emergency Shelter/Solutions Grant and HOME Investment Partnerships Program for

Re: Ordinances G-2013-16 and F-2013-15
Date: September 23, 2013
Time: 5:20 p.m.
Notify: Russell G. Lloyd

Fixing the Salaries for Elected Officials, City of
Evansville Employees and Levee Authority for
2014

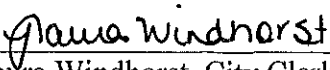
Re: Ordinance F-2013-16
Date: September 23, 2013
Time: 5:25 p.m.
Notify: Russell G. Lloyd

Transfer of appropriation of funds


ADJOURNMENT

Councilwoman Brinkerhoff-Riley moved and Councilwoman Mosby seconded the motion to adjourn. Voice Vote. So Ordered.

Meeting adjourned at 8:26 p.m.



Laura Windhorst, City Clerk



Constance Robinson, President